

**CITY OF DURHAM**

**DEVELOPMENT CONTROL COMMITTEE**

**18<sup>th</sup> September 2008**

**REPORT OF DIRECTOR OF STRATEGIC SERVICES**

**1. REPORT FOR INFORMATION**

**Section 106 Agreements**

Members are asked to note that a report in relation to monies received from developers as part of planning conditions is attached.



**CITY OF DURHAM**  
**DEVELOPMENT CONTROL COMMITTEE**

**18 September 2008**

**REPORT OF THE HEAD OF PLANNING SERVICES**

**Reports for Information**

Members are asked to note that reports in relation to the following items are placed in the Members Room in the Town Hall: -

- 1. Notice of Planning / Enforcement Appeals which have been lodged with the City Council**
  - a) Appeal by Mr D Brown, Mr D Hird and Mr R Young  
Site at 2, 3 and 4 Auton Close, Bearpark, Durham, DH7 7BJ
  - b) Appeal by Mr C Moulden  
Site at land at Cheveley Park Shopping Centre, Belmont, Durham, DH1 2AA
  - c) Appeal by Mr G Maw  
Site at Coalford Lane Farm, Littletown, Durham, DH6 1RD
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**
- 4. Decisions made by the County Council**

<b>Applicant No:</b>	CM4/08/361
<b>Applicant:</b>	Greencycle Plc
<b>Location:</b>	Unit S1A, Tursdale Business Park, Tursdale, Durham, DH6 5PG
<b>Proposal:</b>	Retrospective application for the change of use to recycling recovery facility

The above application was considered by the City Council under delegated powers on 9 June 2008 when it was resolved to raise no objection.

Durham County Planning Committee has now considered the proposal and resolved to approve the application subject to conditions.

**Recommendation:**

That the report be noted.

<b>Applicant No:</b>	CM4/08/4673
<b>Applicant:</b>	Northumbrian Water Ltd
<b>Location:</b>	Kelloe Sewage Treatment Works, Kelloe, Durham
<b>Proposal:</b>	Erection of kiosk to house control equipment

The above application was considered by the City Council under delegated powers on 1 August 2008 when it was resolved to raise no objection.

Durham County Planning Committee has now considered the proposal and resolved to approve the application subject to conditions.

**Recommendation:**

That the report be noted.

<b>Applicant No:</b>	CM4/08/290
<b>Applicant:</b>	Premier Waste Management Ltd
<b>Location:</b>	Coxhoe Quarry, Quarrington Hill Road, Coxhoe, Durham, DH6 4RT
<b>Proposal:</b>	Change of use of land at Coxhoe Quarry to composting of pre-shredded waste

The above application was considered by the City Council under delegated powers on 7 April 2008 when it was resolved to raise no objection.

Durham County Planning has informed the City Council that the application has been formally withdrawn at the request of the applicant.

**Recommendation:**

That the report be noted.

### 3. Recommendation on other Applications

The applications on the following pages will raise issues, which merit some detailed comment. I set out below a summary together with my recommendations:

Number And Applicant	Location	Proposal	Recommendation
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#### ITEM 1

07/00860/OUT Hellens Development	Land At Coxhoe Industrial Estate Coxhoe Durham	Outline application for a mixed use development of 80 residential units and 2400sqm of employment uses, with all detailed matters reserved for future approval	<b>Approve</b>
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#### ITEM 2

08/00337/FPA Standard Life Investments	Unit A Dragon Lane Retail Park Dragon Lane/Damson Way Durham	Health and fitness centre with associated retail use	<b>Approve</b>
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#### ITEM 3

08/00485/FPA Mr F Da Silva	Greyhound Inn Woodland Crescent Kelloe Durham DH6 4LU	Demolition of existing public house and erection of 7 no. dwellings with associated access, parking and landscaping	<b>Approve</b>
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#### ITEM 4

08/00502/FPA Bett Bros Development	Middlewood House Middlewood Ushaw Moor Durham DH7 7RB	Erection of 19 sheltered accommodation apartments with warden accommodation and communal areas in three storey pitched roof building with associated parking and landscaping	<b>Refuse</b>
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#### ITEM 5

08/00523/FPA Mr P Bracewell	Fernhill Crossgate Moor Durham DH1 4JZ	Proposed demolition of existing lodge and erection of replacement together with an additional 12 no. two storey detached dwellings with associated garaging, parking, access and landscaping	<b>Refuse</b>
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**ITEM 6**

08/0585/FPA & 08/0587/CAC  Mr D Franks	Magdalene Heights Gilesgate Durham DH1 1SY	Demolition of existing residential dwellings and erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping	<b>Refuse</b>
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**ITEM 7**

08/0619/FPA & 08/0620/CAC  Adamson Developments (Durham) Ltd	Former Builder's Yard John Street Durham	Demolition of existing building and erection of 22 apartments with associated basement parking	<b>Approve</b>
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**ITEM 8**

08/00630/FPA  Hope Estates Ltd	33 Whinney Hill Durham DH1 3BD	Retention of as built two storey pitched roof extension to side and rear of existing dwelling	<b>Approve</b>
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**ITEM 9**

08/00662/FPA  Lidl UK	Lidl Foodstore Arnison Centre Durham DH1 5GB	Extension to existing retail store and associated alterations (revised and resubmitted)	<b>Approve</b>
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**ITEM 1**

<b>07/00860/OUT</b>	<b>Land At Coxhoe Industrial Estate, Coxhoe, Durham</b>
<b>Hellens Development</b>	<b>Outline application for a mixed use development of 80 residential units and 2400sqm of employment uses, with all detailed matters reserved for future approval</b>

**SITE AND APPLICATION DESCRIPTION**

Planning permission in outline is sought for the development of land at Coxhoe Industrial Estate, which is an area designated for employment use at the northern end of the village within an area known as Four Mile Bridge.

To the north lies open land designated as a County Wildlife Site, while to the east is further open land and a football ground. To the west are commercial activities in the form of commercial vehicles sales and a concrete products company, while to the south lie residential properties.

The application site is severed by an east-west running road that links the B6291 Commercial Road West, the main village street, with the Coxhoe Joint Stocks Quarry landfill site.

Mixed use development, comprising 2.95 hectares (5 acres) of residential and 0.74 hectares (1.8 acres) of employment, is proposed. A masterplan indicates that residential development, in the form of 80 houses, would occupy the main body of the site both to the north and south of the quarry road, with employment land located to the north of that road in the north east corner of the application site.

The application is supported by a Planning Statement, Design and Access Statement, a summary of abnormal costs relating to the site's decontamination and reclamation, Preliminary Geotechnical and Contamination Report, Envirocheck Report, Transport Statement, Development Viability Study, and Flood Risk Assessment.

**RELEVANT HISTORY**

The site has a long history of industrial use, having been occupied in the past by a lime works and an iron works, with railway lines and associated earthworks. Some signs of that period remain in the form of foundations, hard standings and lampposts.

Planning permission in outline, for both housing and industry, was granted in 2007 at appeal on a designated employment site at the former Cape site in nearby Bowburn following a public inquiry.

**POLICIES**

**NATIONAL POLICIES**

Planning Policy Statement1: Delivering Sustainable Development, (PPS1), sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing (PPS3), inter alia, highlights the need to consider whether employment allocations are still required, and if they could be appropriately re-allocated for housing.

Planning Policy Guidance note 4: Industrial and Commercial Development and Small Firms. This PPG takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together. This PPG will be replaced by PPS4 (Planning for Sustainable Economic Development) which has been issued in draft form. Paragraphs 24 and 25 are relevant in requiring the efficient and effective use of land, as well as securing a high quality and sustainable environment.

### **REGIONAL POLICY**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 Policy 18 indicates that Local Development Frameworks should make appropriate provision for up to 150 hectares of employment land in Durham City. In determining the appropriate land portfolio, assessments should be made based upon a 25 year level of supply and take-up.

### **LOCAL PLAN POLICIES**

Policy EMP9 (Local Industrial Sites) designates the application site as being suitable for use classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution).

Policy Q7 (Layout and Design – Industrial and Business Development) requires high quality in respect of these matters.

Policy H3 (New Housing Within the Villages) states that new housing development, in addition to that specifically allocated elsewhere in the Local Plan, comprising windfall development of previously developed land and conversions will be permitted within the settlement boundaries of villages provided that it is in scale and character, and does not prejudice important functional, visual or environmental attributes that contribute to the settlement's character.

Policy Q8 (Layout and Design – Residential Development) requires high quality in respect of these matters.

Policy R2 (Provision of Open Space – New Residential Development) prescribes minimum levels of private and public amenity space within new residential development.

Policy T1 (Traffic Generation – General) precludes new development likely to generate a level of traffic prejudicial to highway safety or neighbour amenity.

Policy U8A (Disposal of Foul and Surface Water) requires satisfactory arrangements in respect of these issues in order for new development to be acceptable.

Policy H12 (Affordable Housing) requires an element of affordable housing as defined within PPS3 within residential development of 25 or more dwellings.

Policy Q15 (Art in Design) encourages the provision of artistic elements within new development.

Policy E18 (Sites of Nature Conservation Importance) seeks to safeguard the essential qualities of such areas.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*



## **RESULTS OF CONSULTATION AND PUBLICITY**

### ***STATUTORY RESPONSES***

The North East Assembly considers this proposal for a mixed use development to be broadly consistent with the objectives of the Regional Spatial Strategy in terms of location, the sequential approach, re-use and remediation of previously developed land and regeneration of the area. However, for such a proposal to be acceptable, the Local Planning Authority should be satisfied that the site is not needed as part of the City Council's long term employment portfolio.

The County Highway offers no objections.

The County Archaeologist offers no objections.

The Environment Agency, having objected to the originally submitted Flood Risk Assessment, is now content with an amended document.

Northumbrian Water offers no objections provided that development does not take place until upgrading of Bowburn Sewage Treatment Works is completed.

Natural England, having objected to the originally submitted Ecological Report, now accepts the contents of a revised submission and the mitigation strategy contained therein.

### ***INTERNAL RESPONSES***

The City Council's Heritage and Design Manager supports this proposal, subject to appropriate conditions being attached to any planning approval.

### ***PUBLIC RESPONSES***

As originally submitted, the masterplan accompanying this application placed employment land to the south of the quarry access road and housing to the north. This led to a number of objections from village bodies and local residents.

Subsequently, following negotiations with the applicants, the masterplan has been amended. Employment is now located to the north of the quarry access road within the north east of the application site, with housing occupying the remainder.

Reconsultation letters have been dispatched, but there has been little response, most of the following representations being based upon the original proposal.

The Member of Parliament has written concerning both schemes. Whilst objecting on the basis of conflict with a Local Plan land use allocation, impact of the proposed amount of housing on the local infrastructure, and the potential impact on the local highway network, the relocation of industry away from existing residential properties is recognised as being positive. However, she is strongly of the opinion that this application should be rejected until such time that a development brief has been produced, accurately reflecting the needs and aspirations of the local community.

Coxhoe Parish Council has written regarding the original proposal, objecting on the grounds of conflict with the Local Plan, impact upon local health services and the local school, and impact upon the local road network. The cost of the decontamination of the site cited by the applicants is considered to be excessive; therefore this justification for the amount of housing proposed is questioned. Finally, a need for affordable housing in the village is stressed.

Coxhoe Together, a body that works towards making Coxhoe a “better place”, opposes the proposal on the basis of conflict with the Development Plan for the area, no need for additional houses in the village other than for affordable housing, impact upon a protected wildlife site, impact of traffic generated from the proposed development, and the compounding of the unsightliness of existing commercial development within the village such as Coxhoe Paving. Coxhoe is considered to be growing too quickly, to the detriment of its cohesion and community spirit, and the approval of this application, it is said, would set a precedent for further inappropriate growth.

Twenty three letters of objection have also been received from local residents, most of whom live in Basic Cottages and the Beechfield Rise Estate to the south and south east of the application site. The issues raised generally reflect the views of the MP, Parish Council and Coxhoe Together, although Basic Cottages residents have expressed specific concern regarding about any additional use of the unsurfaced road that serves their row of properties.

A planning consultant acting for the owner of Lowfield Bungalow, immediately to the south of the application site, has objected on similar grounds, adding that there would be a potential loss of local employment land, which is a Government objective to reduce the need to travel, that housing would be poorly related to existing village housing, and there would be a detrimental impact upon the residential amenity levels of those living close-by.

Finally, Durham Wildlife trust draws attention to the inadequacy of the originally submitted ecological information which would potentially threaten the wellbeing of protected species within the adjoining County Wildlife Site.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## **PLANNING CONSIDERATIONS**

The acceptability or otherwise of this proposal turns upon whether the release of land designated for employment purposes within the Local Plan for the development of both housing and employment use would result in a significant shortfall in employment land supply, an oversupply of housing, or lead to an unacceptable impact upon the village of Coxhoe in terms of its character, appearance, cohesion, infrastructure, future development, and amenity.

In addition, the impact of the proposal upon a County Wildlife Site is also a prime consideration.

I have considered carefully the representations made concerning these issues, particularly those from village residents, and it was particularly with these in mind that I asked the applicants to reconsider the disposition of the two types of development, housing and employment, within the site. This resulted in the revised masterplan which, I believe, addresses some of the concerns expressed by local residents in terms of locating industry further away from existing homes, and it is upon this amended proposal that the overall scheme is judged.

I now address each key issue in turn:

In respect of employment land supply, the applicants rely heavily upon several recent North East appeal decisions and; that relating to the former Cape site in Bowburn (decision dated August 2007) being perhaps the most immediately relevant. Each decision has allowed the release, or partial release, of industrial land for housing.

In the case of the Cape site, the inspector accepted evidence to the effect that there is a general over-provision of employment land allocated within development plans in the region, and that Durham City has the 25 year level of supply required by the RSS. Accordingly, I must conclude that the mixed use proposal now under consideration in Coxhoe will not result in an employment land shortfall.

I am also of the view that although Durham City has an adequate five year housing land supply and therefore not justifying new housing on this site based on a short term housing land supply need, this application represents a longer term proposal. Were outline planning permission granted, further consents would be required together with extensive decontamination works. Therefore an oversupply of housing land is unlikely to result. Furthermore, this is a sustainable location for housing, well located relative to village facilities and a choice of transport modes.

The site has remained an employment land allocation for some considerable time without take-up. In view of the recent Cape site decision and others like it, the applicant's argument that subsidy through housing is the only way of bringing this land back into productive use would carry reasonable weight. I am therefore satisfied that the objectives of RSS Policy 18 would not be compromised by this proposal.

Accordingly, I must conclude that this is as a positive initiative for the village that will hopefully be a catalyst for future further improvements to the Four Mile Bridge area of Coxhoe.

The main objections raised to this proposal concern a Local Plan policy conflict, with a resulting loss of local employment land; and impact upon the local highway network, on the village school, on a recognised local wildlife site, and on residential amenity. The need for a development brief, affordable housing, and impact upon the cohesion of Coxhoe as a community are also concerns that have been cited.

In regard to policy conflict, this proposal is very clearly a departure and has been advertised as such, and were City Council members to be minded to approve the application that decision must be referred to the Government Office for the North East for ratification. However, in this particular case there is merit in such a departure if this is the only realistic way of bringing about some employment use of the site. The level of remediation costs advanced by the applicants has been questioned, and I have taken independent advice from specialist consultants in that regard. The conclusion is that the costs quoted are realistic, and so justify a need for housing to enable the development to occur. This is also an argument recently accepted by the Inspector at the 2007 Bowburn Cape site public inquiry, to which I must attach due weight.

The County Highway Authority has examined these proposals and has concluded that the local highway network is capable of safely accommodating the additional traffic likely to be generated by this proposal, I therefore judge this application capable of meeting the objectives of Local Plan Policy T1.

Similarly, Natural England is satisfied that ecological interests have been safeguarded, thus the objectives of Local Plan Policy E18 have been addressed.

The impact of new housing on the existing school is a legitimate concern, and readily acknowledged by both the Local Planning Authority and the County Education Authority. Accordingly, information concerning sites upon which planning permission for residential development has been granted is provided annually to the County Council Education Division by the City Council, enabling the Education Authority to address the needs of specific areas.

Should Committee Members be minded to approve this application and the Government Office allow it to be approved following referral, the estimated number of approved residential units will be passed to the Education authority as part of the City Council's annual return.

In concluding this issue, it should be appreciated that once any planning approval is given it is often some time before work commences, and generally much longer before first occupation. Hence there is usually a significant time lag within which the Education Authority are able to address any resulting additional school capacity needs, although precisely how this is done is a matter for them.

A need for "affordable" housing within the village can be addressed by planning condition, as can requirements relating to a "percentage for art", open space, sustainability in terms of renewable energy use, and detail design criteria, so ensuring that these are addressed at the detailed or reserved matters planning stage.

Thus, I consider the objectives of Local Plan Policies H3, H12, R2, Q7, Q8, Q15 to have been met. Also, subject to development, other than the decontamination of the site, not commencing until the upgrading of the Bowburn Sewage treatment Works, Policy U8A is capable of being addressed. The applicant's willingness to accept a planning condition requiring the surfacing of the Basic Cottages access road, subject to the agreement of relevant land owners, is welcomed as a goodwill gesture.

The Council would not ordinarily promote the development in such a manner contrary to the Development Plan and there is therefore no brief for the site. The absence of a design brief is not, in my judgement, an obstacle to an objective assessment of this proposal, as it is clear from the revised masterplan what is proposed.

## CONCLUSION

I therefore conclude that this is a positive proposal for the village that will regenerate a neglected area of Coxhoe; bring a mixture of both employment and housing, some of which would be "affordable", to the village; and hopefully be a catalyst for the improvement of the wider Four Mile Bridge area, which is an objective shared by Coxhoe residents, the City of Durham Council and Member of Parliament alike.

## RECOMMENDATION

That in accordance with Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 the application be referred to the Government Office for the North East with a recommendation that it be **MINDED TO APPROVE**, subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. No development shall commence until a scheme for the decontamination of the application site has been agreed in writing with the Local Planning Authority and completed in accordance with that agreement. The scheme will take the form of a site

investigation, and a decontamination method statement, and upon completion will be documented by a validation statement.

4. No development other than decontamination shall be carried out until a scheme for the provision of affordable housing, as defined within PPS3 and in accordance with City of Durham Local Plan 2004 Policy H12, has been agreed in writing with the Local Planning Authority. Any variation from the 30% affordable housing provision identified by the Draft Supplementary Planning Guidance associated with H12 will require full written justification. Subsequently, affordable housing shall be provided in full accordance with the agreed scheme.
5. No development other than decontamination shall commence until a scheme for the delivery of a "percentage for art", in accordance with the objectives and provisions of City of Durham Local Plan 2004 Policy Q15 and Supplementary Planning Document - "Provision of Public Art as part of Major New development Schemes" (August 2006), has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be carried out in accordance with a timescale that will form part of the aforementioned agreement.
6. No development shall commence, other than decontamination, until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
7. No development shall commence, other than decontamination, until a scheme for the expansion of the Bowburn Sewage Works has been undertaken by Northumbrian Water. A scheme for the provision of foul water drainage works must be submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied on site until the increased capacity at the sewage treatment works and, if required, the sewerage network have been increased and commissioned in accordance with the agreed scheme.
8. The recommendations of the submitted ecological report will be implemented in full.
9. The housing element of any development approved in detail shall include a level of informal play space and amenity space in accordance with City of Durham Local Plan 2004 Policy R2.
10. An ambitious but viable percentage of the site's energy requirements shall be delivered from renewable sources, to be agreed in writing with the Local Planning Authority.
11. A scheme for the visual enhancement of the proposed access road entrance, to the east of its junction with Commercial Road West, shall be agreed in writing with the Local Planning Authority, and thereafter implemented in full accordance with that agreement.
12. A scheme for the surfacing of the access road to Basic Cottages, and an implementation timetable, shall be agreed in writing with the Local Planning Authority, subject to the agreement of relevant land owners. That scheme shall subsequently be implemented in full accordance with that agreement

13. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
  
14. A scheme for the provision of a landscape buffer between the proposed housing and Coxhoe Paving shall be agreed in writing with the Local Planning Authority. Subsequently, the agreed scheme shall be implemented in full accordance with that agreement prior to the occupation of the first house.

## **BACKGROUND PAPERS**

Submitted application forms, plans and supporting documents.

Planning Policy Statement1: Delivering Sustainable Development, (PPS1),

Planning Policy Statement 3: Housing (PPS3)

Planning Policy Statement/ Guidance note 4: Industrial and Commercial Development and Small Firms.

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008

Statutory, internal and public consultation responses and representations

For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/07/00860/OUT  
Land At Coxhoe Ind Estate, Coxhoe

Comments

Date

05 September 2008

Scale

1:2047

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**ITEM 2**

<b>08/00337/FPA</b>	<b>Unit A Dragon Lane Retail Park, Dragon Lane/Damson Way, Durham</b>
<b>Standard Life Investments</b>	<b>Health and fitness centre with associated retail use</b>

**SITE AND APPLICATION DESCRIPTION**

The Dragon Lane Retail Park, for which outline planning permission was granted in 2003, is shortly to occupy the former Mono Containers site on land bounded by Damson Way, Dragon Lane and Front Street, Sherburn Road, in Dragonville on the eastern side of Durham City.

That outline planning consent was for 9,061m<sup>2</sup> of non food retail development and DIY retailing (Use Class A1), a 279m<sup>2</sup> fast food restaurant (Use Class A3) and a 93m<sup>2</sup> crèche.

The applicants now seek planning permission for Unit A, the most northerly building, to operate as a health and fitness centre with associated retailing. The unit would comprise a total of 4180m<sup>2</sup> floorspace, operating from ground and first floor levels, of which 1393m<sup>2</sup> would be dedicated to retailing, with 915m<sup>2</sup> trading floorspace. The nominated operator is JJB.

This application is supported by a Design and Access Statement; Planning, Retail and Leisure Statement; and drawings relating to siting, floor plans and elevational treatment.

**RELEVANT HISTORY**

Outline planning permission, as stated above, was granted by the First Secretary of State in December 2003 following a public inquiry held in July of the same year.

Reserved Matters details pursuant to siting, means of access, design and external appearance, and landscaping were subsequently approved in 2004.

Later in 2004 three applications to vary outline planning conditions restricting the sale of goods to bulky items and defining a minimum unit size to 750m<sup>2</sup> were refused due to a lack of credible justification, potential impact on the city's retail hierarchy, and an undermining of planning policy objectives.

In 2005 planning permission was granted for the erection of two fast food restaurants on the site, plus the insertion of 280m<sup>2</sup> mezzanine floorspace within unit D and 1393m<sup>2</sup> of mezzanine floorspace within unit C.

In 2006 the time periods for the submission of reserved matters details were extended. This allowed for reserved matters to be submitted until 30 December 2009, and implementation to be required by 30 December 2011.

Subsequently, a suite of reserved matters details, in all respects other than means of access, were approved in 2006. Full planning permissions were also granted in respect of the insertion of additional mezzanine floorspace within units A, B and C totalling 2792m<sup>2</sup>. These consents brought the total of approved overall retail floorspace to 11,813m<sup>2</sup>.

Two further reserved matters applications were approved under delegated powers and a variation of conditions applications in July 2008. These related to revised details of siting, design and external appearance, and landscaping in respect of the retail park; revised details of the siting, design and external appearance of a fast food restaurant; and an increase in overall mezzanine retail floorspace by 501m<sup>2</sup> to bring the total of approved overall retail floor area to 12,314m<sup>2</sup>.

A mixed use non-food retail and leisure development was granted planning permission in 2004 on the Durham City Retail Park positioned to the north of the current application site between Sunderland Road, Dragon Lane, and Rennys Lane. This permission is extant.

## **POLICIES**

### ***NATIONAL POLICIES***

Planning Policy Statement 1: Delivering Sustainable Development, (PPS1), sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 6: Town Centre's, (PPS6) sets out the Government's key objective for town centre's is to promote their vitality and viability by: planning for the growth and development of existing centre's; promoting and enhancing existing centre's, by focusing development in such centre's; and, encouraging a wide range of services in a good environment, accessible to all.

### ***REGIONAL POLICY***

The North East of England Plan – Regional Spatial Strategy to 2021 (RSS) July 2008 sets out a broad development strategy for the North East region for the period up to 2021.

### ***LOCAL PLAN POLICIES***

Policy R8 (New Recreational facilities) states that the acceptability of new recreational facilities is dependent upon their appearance and use being appropriate to the site chosen, accessibility by a range of transport means, satisfactory parking, and adherence to a sequential approach to site selection as required by national planning policy.

Policy S1A (City Centre) seeks to protect and promote the vitality and viability of all centres within the local retail hierarchy.

Policy S9B (Major Out Of Centre Proposals) requires large scale retail and leisure proposals to demonstrate sequentially why they cannot be sited in a locationally preferable position within the local retail hierarchy. They must also demonstrate need, a lack of adverse impact on existing local retail centres, accessibility via a range of transport modes, an absence of highway safety issues, and no level of dependence upon the private car for access which could lead to a substantial traffic and pollutant emissions increase.

Policy Q7 Layout and Design – Industrial and Business Development requires a high standard of siting, design and external appearance in respect of such commercial development.

Policy T1 (Traffic Generation – General) precludes new development likely to generate a level of traffic prejudicial to highway safety or neighbour amenity.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **REPRESENTATIONS**

### ***STATUTORY RESPONSES***

The County Highway Authority raises no objection to the proposals.

Northumbrian Water offers no objections.

### ***INTERNAL RESPONSES***

Environmental Health Officers offer no objections.

### ***PUBLIC RESPONSES***

Belmont Parish Council has raised no objection.

Letters of concern have been received from the Chairman of Durham City Forum; Durham Markets Company; and from ING, owners of The Gates Shopping Centre.

The Forum and ING urge the exercise of due diligence in the consideration of this application, paying particular attention to the vulnerable state of the retail economy within the City Centre. Any dilution of a restriction on sales from the application site of products other than bulky goods, as dictated by the terms of the outline planning permission, is of considerable concern due to a likely impact upon City Centre footfall, and resulting harm to the City Centre's vitality and viability.

The Planning Authority is urged to rigorously apply the tests prescribed by National Planning Policy in PPS6, particularly in respect of assessing whether the retail element of this proposal could be accommodated within a town centre or edge of centre location.

The Markets Company has reiterated these views, and considers retailing in the City Centre to be already seriously under threat from the continuous growth of the Arnison and Dragonville District Centres and out of centre retail parks. To allow the terms of the original outline planning permission to be further varied and undermined, it is claimed, would signal a weakness on the part of the Local Planning Authority to protect the City Centre's economic wellbeing adequately.

## **PLANNING CONSIDERATIONS**

The acceptability or otherwise of this application rests upon whether there is a demonstrable leisure and retail need for the proposed development, whether it could be located elsewhere within the local retail hierarchy, and whether any demonstrable harm is likely to result in terms of impact upon the vitality and viability of any local shopping centre.

To assist in this judgement the services of Dr John England, of specialist planning and retail consultants England and Lyle Ltd, have been sought. A detailed analysis of the applicants' case has been undertaken, taking into account consumer expenditure available within the proposed development's likely catchment area, projected turnover from the proposed floorspace, the current state of the local retail economy and future predictions of growth, the availability of alternative sequentially preferable locations within the local retail hierarchy, and measurement against national and local planning policies.

Dr England's professional and independent conclusions are that:

- there is a demonstrated need for both the leisure and retail elements of the proposed development;
- there would be no detrimental impact on the vitality and viability of centres in the catchment area;
- there are no sequentially preferable sites available;
- the site is in an accessible edge-of-centre location, well integrated with the Dragon Lane District Centre;
- the development will improve the attractiveness of the District Centre; and,
- the proposals will act as an anchor to the wider development of the former Mono Containers site.

Furthermore, whilst he has some reservations regarding the applicants' need and impact calculations, it is Dr England's judgement that the proposals meet the required PPS6 and Local Plan policy tests concerning need, the sequential approach and impact.

In support of his conclusions, Dr England makes reference to an appeal decision of 2003 in respect of a similar JJB Sports leisure and retail health and fitness centre in Coatbridge, Scotland. It too was on an out of centre derelict site, and the Reporter concluded that " this appeal proposal would bring significant benefits to the area, in providing an integrated leisure and retail facility and improved choice, and securing the redevelopment of a vacant and deteriorating site, in a sustainable location." ..... "without undermining the vitality and viability of town centres in the area."

It is recognised that there will be inevitable differences in detail between the Coatbridge appeal decision circumstances and those surrounding the Dragon Lane proposal, and that every planning application must be determined on its individual merits. However, the principle of the JJB concept's ability to meet the Government's broad policy objectives by offering innovative consumer choice consistent with an overall commitment to town centres cannot be ignored.

Dr England's conclusions are at variance with the concerns of those trading from the City Centre who have written in opposition to this application. He does not share their view that the City Centre is currently trading badly. On the contrary, it is his firm belief that it is trading well in comparison to many other similar sized shopping centres. Accordingly, in the absence of any sound evidence to the contrary, Dr England is of the opinion that the impact of this proposal on Durham City Centre, or on any other local shopping centre, will not be such that the vitality or viability will materially suffer.

I must give appropriate weight to this specialist advice from a consultancy with a reputation for sound experience and local knowledge. It reflects a carefully considered and objective view, and I therefore conclude that the objectives of PPS6, and Local Plan Policies S1A and S9B will be met. In doing so I attach particular significance to Dr England's predicted trade diversions in respect of comparison goods turnover, in other words retail impact. These are 6.2% from the Durham City Retail Park, 1.0% from the Dragon Lane District Centre, 0.2% from the Arnison District Centre, and 0.1% from Durham City Centre. This represents an overall trade diversion in the catchment area of 0.7% of comparison goods turnover which is an insignificant impact.

In terms of a sustainable location, the application site is well located on the edge of a District Centre, which is sequentially preferable to the approved retail and leisure proposal at the Durham City Retail Park, which has set a precedent for out of centre leisure development. I am also satisfied that the siting and design are appropriate to the location. Consequently, the objectives of Local Plan Policies R8 and Q7 are met.

The JJB Sports health and fitness concept appears to be unique within the market and has been accepted elsewhere as a mixed land use; each element of which sustains the other financially. Accordingly, splitting it to enable occupation of available smaller units in sequentially preferable sites is not an option.

The applicants contend that the cost of JJB health and fitness centre use is kept low in comparison to other leisure facilities in the area by being subsidised by the associated retailing, and although bulky goods will form part of the retail offer, this alone would not be commercially viable in such a location. I am therefore willing to accept the applicants' argument that the leisure element of this proposal will not prejudice the success of existing in-centre leisure facilities, and that it will enhance accessibility to health and fitness facilities and increase choice.

Similarly, based upon the advice of the City Council's retailing consultant, I am willing to accept that no harm to the vitality or viability of any shopping centre in the area will result from a relaxation in respect of goods sold from this particular unit. However, such a relaxation would only apply to the sale of sports goods, restrictions on the sale of any other non-bulky goods would still apply.

## CONCLUSION

Therefore, and on balance, having taken into account all material issues, I am able to support this application. I readily acknowledge the deeply held concerns voiced by those who oppose this proposal, and understand their fears for the economic wellbeing of the City Centre. However, no evidence has been produced to substantiate their position, whereas there is convincing evidence supporting the opposite view. Perception and fact are quite often not the same, and I must give due weight to empirical evidence that demonstrates that the City Centre is in good economic health.

My support for this application in no way sets a precedent for the further erosion of retailing restrictions on the wider former Mono Containers site, and it must be appreciated that the sale of goods relaxation only applies to a comparatively small area of floorspace. Furthermore, the regenerative benefits to a now derelict site cannot be ignored, particularly as this would be the anchor operator, the approval of which will underpin the remainder of the overall site development.

## RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. The retail floorspace hereby approved shall be used for the sale of sports equipment and sports related goods only, and shall not exceed 1393 m<sup>2</sup>. The approved development shall not be subsequently subdivided or altered to create further units of less than 750 m<sup>2</sup> and no further internal floorspace shall be created.

4. The retail unit hereby permitted shall not be open for trading outside 0800 to 2000 hours Mondays to Saturdays, or 1000 to 1700 hours Sundays and Bank Holidays.
5. No demolition or construction shall take place outside 0800 to 1800 hours Mondays to Fridays or 0800 to 1200 on Saturdays. No work shall be carried out on Sundays or Bank Holidays.
6. Prior to the commencement of any development, details of construction or alteration of the following junctions shall be submitted to and approved in writing by the Local Planning Authority, and thereafter completed in accordance with the approved details:
  1. Dragon Lane/Front Street.
  2. Dragon Lane/site access.
  3. Dragon Lane/Damson Way/Tesco access.
  4. Dragon Lane/Sunderland Road.

Neither the health and fitness centre nor the associated retail unit shall open for trading until the works have been implemented in accordance with the agreed details.

7. The retail park management company or the occupants of the first unit open for trading shall submit to the Local Planning Authority a Staff Travel Plan. The use hereby permitted shall cease unless the Staff Travel Plan is approved in writing by the Local Planning Authority within three months of the unit opening, or within such other period as may be approved in writing by the Local Planning Authority. Trading by any subsequent occupiers shall cease unless within three months of the start of trading by that subsequent occupier, or within such other period as may be approved in writing by the Local Planning Authority, the subsequent occupier becomes a formal party to the Staff Travel Plan, or such alternative Staff Travel Plan as shall comply with the terms of this condition. The Staff Travel Plan shall deal with the following key issues:
  1. Appointment of a Travel Plan Co-ordinator and notification in writing to the Local Planning Authority of the name of the holder of that post.
  2. Completion of an up-to-date employee travel survey.
  3. Provision of public transport routes, timetables and fare information to be updated regularly.
  4. Provision of a car-sharing scheme and encouragement of participation including arrangements to facilitate alternative transport, in an emergency, for car sharers.
  5. The provision of targets for the reduction of single-occupied car journeys and for increased use of shared cars, cycles and public transport.

The Staff Travel Plan shall be monitored by the Staff Travel Co-ordinator who shall provide the Local Planning Authority with an annual report on all the above measures and progress towards meeting Staff Travel Plan targets.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans

Design and Access Statement

Planning Policy Statement1: Delivering Sustainable Development, (PPS1),

Planning Policy Statement 6: Town Centre's, (PPS6)

The North East of England Plan – Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

Consultation Responses

Report /advice from specialist retail consultant – England & Lyle

Various File Notes and Correspondence





For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/08/00337/FPA

Unit A Dragon Lane Retail Park

Comments

Date

05 September 2008

Scale

1:2631

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ITEM 3

<b>08/00485/FPA</b>	<b>Greyhound Inn, Woodland Crescent, Kelloe, Durham, DH6 4LU</b>
<b>Mr F Da Silva</b>	<b>Demolition of existing public house and erection of 7 no. dwellings with associated access, parking and landscaping</b>

## **SITE AND APPLICATION DESCRIPTION**

The application site relates to an existing public house, currently vacant, and its associated curtilage, that occupies a prominent position centrally within the village. The existing building is finished with render and clay pantiles and is of two-storeys while having an Arts and Crafts influenced architectural style which sets it apart from its surroundings which consist mainly of two-storey semi-detached dwellings.

This application is a resubmission, following refusal of scheme for erection of 11 no. apartments with associated parking and landscaping, submitted in 2007. The new scheme proposes the demolition of the existing building, and erection of 7 no. dwellings – a block of 5no. terraced at the front of the site, facing the road, with two semi-detached properties facing across the rear of the site, and the communal car-parking area. The dwellings are two storeys high, with a front garden and small rear yard, with traditional building references in their detailing.

## **RELEVANT HISTORY**

This application is the second resubmission, and represents an attempt to overcome concerns raised with regard to the scheme submitted in 2007 referred to above, the refusal reason for which was;

*'The Local Planning Authority considers that the proposed apartment block would be of a scale, massing, density, appearance and layout, and therefore overall design which would not be well integrated with or complimentary to surrounding neighbouring development and would therefore be detrimental to the character of the area, contrary to Policies H3 and Q8 of the City of Durham Local Plan 2004, PPS1: Delivering Sustainable Development and PPS3: Housing.'*

## **POLICIES**

### **NATIONAL POLICES**

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. The effective and efficient use of previously-developed land are key criteria.

Planning Policy Statement 9: Biodiversity and Geological Conservation, aims to ensure that planning decisions maintain, restore or enhance biological diversity and geological conservation interests. Local Authorities are therefore required to ensure that appropriate weight is attached to protected species including Biodiversity Action Plan habitats and to biological and geological interest within the wider community.

PPG13 Transport: This PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

### ***REGIONAL POLICIES***

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

This document reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008. Policies are also included to ensure incorporation of alternative energy production methods to reduce carbon emissions.

### ***LOCAL PLAN POLICIES***

Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.

Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest.

Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy C9 (Community Facilities – Protection of Existing) states that planning permission for the development of a proposal which would result in the loss of an existing community facility identified in the Local Plan will not be permitted unless it can be demonstrated that: the facility is no longer financially viable; or there is no significant demand for the facility within that locality; or an equivalent alternative facility is available to satisfy the needs of the local community nearby.

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.

Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### ***STATUTORY RESPONSES***

The County Highway Authority raise no objection to the proposals.

Northumbrian Water likewise raise no objection to the scheme

### ***PUBLIC RESPONSES***

A local Ward Councillor is concerned at the density and long-term sustainability of the proposals, regretting the loss of the lovely existing building, with the replacement housing considered inappropriate and unsuitable.

Three public objections have been submitted in response to the new proposals. The application is considered to be over-development of the site, with inadequate parking and servicing access. One correspondent objects and refers to a letter submitted for the first of the three schemes, which made reference to invasion of privacy, questions the loss of the public house as a community facility, has worries as to potential future residents, feels the character of the proposals inappropriate, and suggests bats may be present.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## PLANNING CONSIDERATIONS

The main issues relate to the principle of redeveloping the site for residential purposes were, as with the previous application, whether there would be adverse affects for visual and residential amenity while ensuring no detriment to highway safety, both for existing and potential residents.

For planning purposes, the existing building and its associated curtilage comprise previously-developed, or brownfield, land within the defined settlement boundary, of Kelloe, and as such, the redevelopment of the site for residential purposes would comprise windfall development of previously-developed land, consistent with Local Plan Policy H3 and national policy contained PPS3.

Whilst acceptable for residential purposes in principle, the application involves the loss of a community facility, and Policy C9 requires that applicants demonstrate that either the facility is no longer financially viable or that no significant demand exists for the facility or that an equivalent facility is available nearby to meet local need. The applications have been accompanied by a supporting statement, which states that the facility is no longer financially viable, and has been marketed for an 18 month period without interest and that the village benefits from an alternative public house. It is noted that the village benefits from another public house, located some 600 metres to the east of the application site within relatively easy walking distance of most properties within the village. Whilst an element of contention with objectors, it is considered that the applicants have demonstrated to an appropriate degree that the business is no longer financially viable, that alternative facilities exist, and its loss would not therefore be in conflict with Policy C9. [With no reference to this point in the last refusal reason, it may be considered unreasonable of the Council if this element of the proposals was re-examined so soon after the previous application.]

The application site is a prominent one, being highly visible by virtue of its physical separation from surrounding development, isolated from such by Council maintained open grassland. The existing public house is of some architectural merit in an Arts and Crafts style, although not of sufficient merit to warrant formal protection. PPS1 advises that planning as a whole should facilitate and promote sustainable and inclusive patterns of development by ensuring high quality development through good and inclusive design and that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. In addition, PPS3 which provides detailed advice in relation to new residential schemes, advises that new development while not required to slavishly follow existing surrounding development it should nonetheless be well integrated with and complimentary to neighbouring buildings and the local area in terms of scale, density and layout.

The applicants have sought a more traditional form of development, and have submitted additional revised plans part way through this application to accommodate detail suggestions made by the Heritage and Design Section. The terrace-form of development is considered appropriate for the area and the revised simplicity of elevational detailing is now considered by officers appropriate for the setting. The revised plans do contain some drafting errors, notably the varying position of the chimneys on the elevations – this is not considered critical to the assessment of the scheme and will be subject to a condition requiring clarification in the event of an approval.

The form and character of the development is considered by officers appropriate for the site, as required by Policy Q8 of the Local Plan, subject to conditions ensuring detailing is carried out to the expected standard.

In terms of residential amenity, objections have been restated complaining of the effect on privacy and amenity of existing property in Tate Avenue. Policy Q8 sets out that 13m is required between habitable room windows and blank gables to ensure residential amenity is not significantly adversely affected, with a distance of over 20m provided by the new design and layout. The bungalow opposite the site would be over 30m from the new dwellings, with 21m required from such a relationship. The relationship to existing properties satisfies the Policy requirements and is likewise suggested acceptable.

Officers consider the crux of the decision on this application to relate effectively to whether the submitted design provides sufficient amenity for prospective residents of the development, and whether the number of units proposed compromises living conditions within the scheme to an unreasonable degree.

Both national guidance and local policy seek a balance between the most efficient use of the finite resource of developable land, ensuring developable land is habitable, and meets the needs of prospective buyers. Guidance also makes clear the desirability of providing a range of types of homes and potential tenures, particularly on the 'first rung' of the housing ladder. The proposed dwellings are small two bedroomed houses with a compact layout. Those properties facing the main road have a small front garden and minimal rear yard. The two semi-detached one bedroomed dwellings proposed for the rear of the site suffer from a basic level of private amenity space, a close relationship to the adjacent footpath, and with only one external doorway, a poor relationship to the external space. However, if this unit is assessed more on the basis of an apartment – despite its appearance, its potential attractiveness to a first time buyer could be justified. With the County Highway Authority raising no objection to the vehicular elements of the scheme this element is considered acceptable. The scheme proposes the maximum number of units of this type possible on the site. Officers consider that on balance, with the level, type, and extent of dwelling, the dwellings in this instance satisfy the requirement of Policy Q8 for new residential development to 'provide adequate amenity and privacy for each dwelling. Prospective residents will themselves be able to assess whether the amenity standards available to them meet their lifestyle needs and aspirations.

The previous application considered the potential impact on protected species in consultation with Natural England, who resolved that any adverse effect was unlikely.

## **CONCLUSION**

In summary, when considered in detail against the required policies, issue of scale and character have been successfully addressed by the revised proposals. The effect on the privacy and amenity of existing property is no longer considered an issue, and the vehicular implications are acceptable to County Highways Authority.

The decision turns on the amount of development proposed, and its effects on the privacy and amenity prospective residents could expect to enjoy. On balance, and for the reasons set out above, officers consider the proposals merit approval.

## **RECOMMENDATION**

The application is recommended **APPROVED**, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

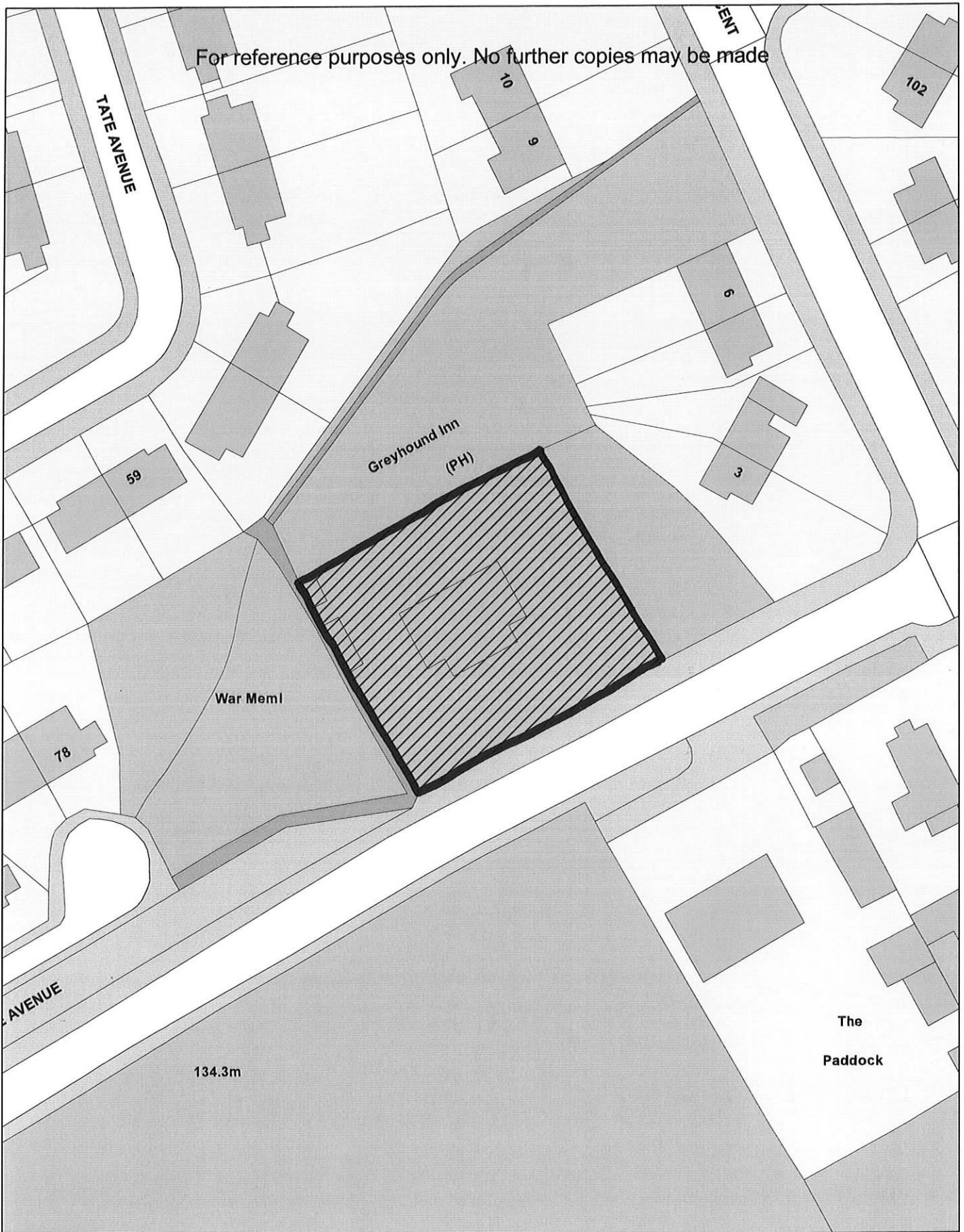
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
6. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 75mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
7. Before development is commenced details of all flues, vents, and extracts shall be submitted to, and approved in writing by the Local Planning Authority, being thereafter implemented to the satisfaction of the said Authority.

## **BACKGROUND PAPERS**

Submitted Application Forms, Plans  
Design and Access Statement  
Planning Policy Statements / Guidance, PPS1, PPS3, PPS9, PPG13  
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008  
City of Durham Local Plan 2004  
Responses from County Highways, Northumbrian Water  
Public Consultation Responses incl. Ward Member  
Various File Notes and Correspondence



For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/08/00485/FPA

Greyhound Inn, Woodland Crescent, Kelloe

Comments

Date

05 September 2008

Scale

1:625

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#### ITEM 4

<b>08/00502/FPA</b>	<b>Middlewood House, Middlewood, Ushaw Moor, Durham, DH7 7RB</b>
<b>Brett Bros Developments</b>	<b>Erection of 19 sheltered accommodation apartments with warden accommodation and communal areas in three story pitched roof building with associated parking and landscaping</b>

#### **SITE AND APPLICATION DESCRIPTION**

The application site is an area of open space between the residential development of Middlewood and a belt of protected woodland on the edge of the village of Ushaw Moor. The site is outside the settlement boundary as defined in the current Local Plan. The site is open with no features of note apparent.

The applicant proposes erection of 19 sheltered accommodation apartments with warden accommodation and communal areas in three storey pitched roof building with associated parking and landscaping. The building would be sited adjacent the nearest residential property, with the area of the site nearest the woodland separated by the proposed parking area. This arrangement is necessitated by the presence of a major Northumbrian Water pipeline and easement that crosses the western end of the site. The proposed building is up to three storeys in height, and breaks up its bulk by use of materials, articulating elevations, and changes of roofline.

During the course of the application, the applicant has confirmed an intent to offer the accommodation for over 55s only, in a scheme of warden sheltered apartments.

#### **RELEVANT HISTORY**

Planning permission was granted in outline for four residential properties on this site. That consent has lapsed, and since that time the settlement boundary has altered to exclude the site from the designated village envelope.

#### **POLICIES**

##### ***NATIONAL POLICIES***

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Guidance Note 2: Green Belts, outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 7: Sustainable Development in the Countryside, sets out sustainable development as the key principal underpinning rural land use planning, setting out criteria for development and conversion of buildings in the countryside and appropriate land uses.

Planning Policy Guidance Note 13: Transport, this PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

## **REGIONAL POLICY**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

## **LOCAL PLAN POLICIES**

Policy E1 relates to the Durham City Green Belt, reflecting the advice given in PPG2, seeks to maintain openness and resist inappropriate development, consistent with Policy E8.

Policy H3 addresses the Council's approach to new housing development in the villages, Ushaw Moor being identified as a 'smaller' village. New housing development in addition to that formally identified in the Local Plan comprising previously developed land will be permitted, providing it is appropriate in scale, design, location, and number of units, with such site likely to be limited in number in smaller villages. The area proposed to be developed must not possess important functional, visual or environmental attributes which contribute to the settlement's character. There is exceptional opportunity for the development of small greenfield sites in identified villages (including Ushaw Moor), where clear and quantifiable regeneration benefits can be demonstrated, and cannot be achieved on brownfield land.

Policy H5 refers to new housing in the Countryside, including rebuilding of derelict or abandoned housing, requiring a connection to a countryside related business, confirmation provision cannot be made within existing buildings or within settlement boundaries, and respecting the character of the landscape setting in terms of siting, design, materials, landscaping, landscape features, and relationship to nearby buildings..

Policy H13 seeks to protect the character of residential areas, stating that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policies Q1 and Q2 sets out criteria all new development must take into account in its design and layout, including elements of personal safety and crime prevention, the needs of the disabled and the elderly, minimising conflict between pedestrians and vehicles.

In Policy Q8 the Council's standard requirements to ensure the quality of new residential development are set out. Criteria include providing for adequate amenity and privacy for each dwelling, minimising the impact of the proposal upon the occupants of existing nearby and adjacent properties, provision of safe, accessible and attractive open space, retaining existing features of interest including trees and hedgerows, and being appropriate in scale, form, density, and materials to the character of its surroundings, along with making the most efficient use of the land.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **REPRESENTATIONS**

### ***STATUTORY RESPONSES***

The County Highway Authority raise no objection to the proposals, subject to incorporation of an acceptable highway crossing, noting that the lay-by shown to the front of the site is unnecessary.

The County Footpaths Officers has received a claim for a right of way across the site, and note there is clear evidence that this may have become an acquired – if unregistered right of way, and as such it must be diverted or extinguished under powers available in the Planning Acts.

### ***PUBLIC RESPONSES***

The local Member for Parliament has written to note she has had correspondence from a constituent who objects to the scheme on the grounds of size, scale, character and parking, and asks these issues be taken into account.

Principle concern comes from the occupants of the immediately adjacent house who raise concerns as to the scale in relation to that dwelling, the effect on residential amenity especially as regards the effect on light, and the removal of the existing opportunity to park at the side of that dwelling. Concern is raised as to ambiguity over potential residents, noting that elderly people would be acceptable. It is likewise noted that a greater separation could lead to a withdrawal of this correspondent's concerns.

A petition of 559 signatures, titled 'petition for people wishing to object to the proposal to build sheltered accommodation in Middlewood' has been submitted along with a typed front-sheet claiming the proposals are too high and too large, are out of character and obtrusive, and the land use is unacceptable.

A second local resident objects to the scale of the proposals, suggests there is little land available for parking and gardens, notes a potential for flooding, and questions the quality of life available for potential residents.

A third individual correspondent objects but offers no explanation.

## **PLANNING CONSIDERATIONS**

This application has been subject to an amount of pre-submission discussion. It is agreed that the site previously benefited from outline consent, but the degree of weight that can be given to that is limited. The site is one that was removed from the settlement boundary by the adoption of the 2004 Local Plan, the principle document in determination of this application. This application must be considered with regards to the principle issues, which are the use and status of the land, with the requirements of policies E1 and H5, and the scale and character of the building in relation to the surroundings, against policies Q8, and H13.

The site, whilst adjacent existing dwellings, already subject to a substantial redevelopment scheme by the applicant, was removed from the settlement boundary, and is included within the designated North Durham Green Belt. National and local policy precludes any form of development that affects the open-ness of land in such a designation, and the proposals are clearly wholly contrary to this. The justification for the inclusion of this land and the specifics of the defined settlement boundary were fully assessed during the extended Local Plan adoption process. There are no structures or existing uses that give the proposals any alternate justification when considered against this policy. Furthermore, no special circumstances are offered as a case to support the submitted proposals.

More general policies for the development of residences in the countryside, are set out in Policy H5, where new housing is required to be related to agricultural requirements and uses, are likewise not met.

If the site had been within the settlement boundary it would have been considered against Policy H3, that allows for the windfall development of small green-field sites of less than 0.33ha, where clear and quantifiable regeneration benefits can be demonstrated, and these cannot be delivered through the development of brownfield, or previously developed land. Whilst the site is below the specified threshold, no such benefits are offered or suggested in the application, and other sites that could accommodate this proposed use exist. As such, were the site inside the settlement boundary, it would not meet the policy requirements.

Pre-submission discussions sought to reduce and minimise the appearance and impact of the proposed building, and to bring it to an acceptable scale, to give the applicant the best chance of a positive decision. The siting of the building is dictated by the need to avoid the easement for the Northumbrian Water that traverses the site inside its western boundary, where the proposed parking is sited. The design has been visually broken up by the volume being broken up into a number of elements, on different planes and using different materials. Residents would potentially benefit from rooms with attractive views across countryside to the north, woodland to the west, as well as a good separation distance to, and over residential properties separated by the estate road to the south. As such the scheme offers a potentially acceptable quality of living for potential residents.

Whilst officers consider that the site is visually capable of accommodating a large building (land-use principle notwithstanding), the relationship to the adjacent residential dwelling is very poor. Whilst the eaves lines are comparable, the height of the ridge of the proposed building, its proposed depth, and rear extensions are of such size that the extent to which the north elevation and garden of 1 Middlewood would be overshadowed, and with light reduced to a degree that could be considered unreasonable; contrary to the requirements of Policies H13 and Q8.

The County Footpaths officers comments regarding the presence of the claimed right of way crossing the site must be taken into account by the applicant, but do not prejudice the application in principle. The parking enjoyed on the site at present is informal and unauthorised and can be given no status in the application process.

The applicant has indicated during the process that a condition to confirm and restrict residents of the development to over 55s would be acceptable to them. This would address some of the local concerns regarding the scheme, and is suggested as a condition, should members be minded to approve the scheme.

Concerns regarding flooding are unsubstantiated, and with no objection from the statutory undertaker, not considered sustainable as a refusal reason.

With the level of car parking and access/egress is acceptable to the Highway Authority, and with a condition restricting the age of residents, car ownership and movement patterns are likely to change for the better.

## **CONCLUSION**

In conclusion, the development of a residential block for the over 55s would have some merit and in visual terms, a large building could be accommodated on the site. However, the location of the site outside the settlement boundary and in the green belt, as well as its relationship to the immediately adjacent residential property, represent a fundamental conflict with land use policy which is considered unacceptable.

## **RECOMMENDATION**

That the application be **REFUSED** subject to the following reasons:

1. In the opinion of the Local Planning Authority, as the proposed residential development lies outside the settlement boundary of Ushaw Moor the proposals are considered to compromise the openness of the Green Belt, and do not benefit from the required justification linking the development to agriculture, contrary to Policies E1 and H5 of the City of Durham Local Plan 2004.
2. The Local Planning Authority considers that the development in size, scale, and location would detrimentally affect the privacy and amenity of the adjacent residential property to a level below that the residents of that property could reasonably expect to enjoy, contrary to Policies Q8 and H13 of the City of Durham Local Plan, 2004.

## **BACKGROUND PAPERS**

Submitted Application Forms, Plans  
Design and Access Statement  
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008  
Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPG13  
City of Durham Local Plan 2004  
Responses from County Highways, County Footpaths  
Consultation Responses from Public and MP  
Objection petition  
Various File Notes and Correspondence





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City of  
Durham

**Planning Services**

Application No. 4/08/00502/FPA

Middlewood House, Middlewood, Ushaw Moor

**Comments**

**Date**

05 September 2008

**Scale**

1:625

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**ITEM 5**

<b>08/00523/FPA</b>	<b>Fernhill, Crossgate Moor, Durham, DH1 4JZ</b>
<b>Mr P Bracewell</b>	<b>Proposed demolition of existing lodge and erection of replacement together with an additional 12 no. two storey detached dwellings with associated garaging, parking, access and landscaping</b>

**SITE AND APPLICATION DESCRIPTION**

Fernhill is a large detached house lying in extensive grounds on the north western edge of the Crossgate Moor area of Durham.

To the west is open countryside, to the east the north-south running A167 road, with detached residential properties and Flass Vale beyond. To the north lie resident properties in Whitesmocks Avenue, with the unsurfaced Club Lane extending in an east-west direction between Fernhill and them. Immediately to the south is further open countryside, with residential properties in Crossgate Moor Gardens beyond.

The applicant wishes erect eleven two storey detached dwellings within the grounds of Fernhill, ten arranged in a semi-circle along the north-eastern, northern and western boundaries, served by a semi-circular road, and one as a second lodge on the eastern boundary split into two maisonettes. An existing single storey lodge standing in the south-eastern corner of the site at its entrance onto the A167 would be replaced by a two storey lodge.

Fernhill itself would remain, with existing outbuildings incorporated within it as an annex. This would bring the total of dwellings on the site to fourteen. An area of garden to the north of this main house would form a central open space within the development, around which the new homes and access road would curve.

A single vehicular access would be taken from the A167 at the point of the existing entrance next to the lodge in the site's south-east corner. A second existing entrance from Club Lane would be sealed. A new pedestrian access through the site's eastern boundary would be created, and by drawing the existing eastern boundary inwards a new north-south running footpath within the existing roadside trees would run parallel to the A167 at a more comfortable distance from the busy carriageway than the current kerbside path.

Extensive tree planting and landscaping are proposed, and the application is supported by a Design and Access Statement, a Statement of Community Involvement, an Arboricultural Report, Flood Risk Assessment, and Bat Assessment.

**RELEVANT HISTORY**

Representations were made to the City Council on behalf of the applicant in 2004, as part of the Local Development Framework (LDF) consultation process, to the effect that Fernhill should be included within the Durham City settlement boundary, and deleted from the Green Belt. It was argued that Fernhill's exclusion from Durham's settlement limits was inconsistent, and that its built form made no positive contribution to the character of the Green Belt, as defined within PPG2.

Due to impending Local Government Reorganisation the LDF process has been delayed, but a Countywide development framework is now evolving.

## **POLICIES**

### ***NATIONAL POLICIES***

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Guidance 2: Green Belts outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and its goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live

Planning Policy Statement 9: Biodiversity and Geological Conservation, aims to ensure that planning decisions maintain, restore or enhance biological diversity and geological conservation interests. Local Authorities are therefore required to ensure that appropriate weight is attached to protected species including Biodiversity Action Plan habitats and to biological and geological interest within the wider community.

Planning Policy Guidance Note 13: Transport, this PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

### ***REGIONAL POLICIES***

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

### ***LOCAL PLAN POLICIES***

Policy E1 (Durham City Green Belt) defines the application site as lying within the Green Belt, where development that would impact harmfully on its fundamental quality of openness is not normally acceptable without very special justification.

Policy E7 (Development Outside Settlement Boundaries) has the objective of protecting the countryside as a finite resource. Where land has been excluded from within such boundaries it has been to make it clear development is inappropriate in these peripheral locations.

Policy E10 (Areas of Landscape Value) seeks to protect areas designated as being of High Landscape Value from harmful development.

Policy E14 (Protection of Existing Trees and Hedgerows) seeks to protect existing natural site features.

Policy E15 (Provision of new trees and hedgerows) requires an appropriate level of new tree and hedgerow planting within new development proposals.

Policy E16 (Protection and Promotion of Natural Environment) requires identification and protection of significant nature conservation interests.

Policy E18 (Wildlife Corridors) seeks to protect the value and integrity of areas that foster the conservation and movement of wildlife

Policy E24 (Ancient Monuments and Archaeological Remains) has the objective of identifying and protecting significant historic remains.

Policy H2 (New Housing in Durham City) allows new housing within the defined settlement boundaries subject to certain safeguards.

Policy H5 (New Housing in the Countryside) precludes new housing outside established settlement boundaries without a special justification such as a locational and functional need.

Policy H13 (Residential Areas – Impact upon Character and Amenity) protects the character and appearance of residential areas from new development that might adversely impact upon them, and on the amenity levels of those living within such areas.

Policy R2 (Provision of Open Space) sets out minimum informal play and amenity space requirements.

Policy T1 (Traffic Generation – General) precludes development proposals that could lead to conditions prejudicial to highway safety.

Policy Q5 (Landscaping – General Provision) requires a high standard of landscaping where new development is likely to have a significant visual impact.

Policy Q6 (Landscaping – Structural Landscaping) requires peripheral structural landscaping on outer edge of settlement or exposed development sites.

Policy Q8 (Layout and Design – Residential Development) requires high quality in respect of these aspects of development.

Policy U8A (Disposal of Foul and Surface Water) requires satisfactory arrangements for the discharge of these features of any new development.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority objects to this application on the basis that visibility is impaired by trees when exiting the site access road to join the A167. Only if those trees were removed would this objection be lifted.

The Environment Agency has lodged an objection on the grounds of an inadequate Flood Risk Assessment.

Natural England has objected on the grounds of an inadequate Environmental Assessment.

The County Archaeologist has objected on the grounds of no Archaeological Assessment of the site having been submitted.

Northumbrian Water raises no objections subject to any planning approval being conditional upon a detailed scheme for the disposal of surface water being submitted and agreed.

### **INTERNAL RESPONSES**

The City Council's Heritage and Design Manager recommends the refusal of this application, considering it potentially harmful to the Green Belt and Area of High landscape Value. The close proximity of new dwellings to existing trees is an additional concern, as is the need to remove roadside trees to allow a safe exit from the site onto the A167. Furthermore, the elevated nature of the site would render housing highly prominent.

### **PUBLIC RESPONSES**

Ten letters of support have been received from Durham residents, some of whom live close by whilst others live in other parts of the city. The scheme is considered by these writers as being well conceived, and a positive development for Durham, introducing a type of prestigious high value accommodation to the city that is currently lacking. The site is also viewed as being a good location for such housing, with good access to schools, shops and other facilities.

Twelve letters of objection have been received, one from the City of Durham Trust, and eleven from local residents.

The Trust strongly opposes this application on the basis of conflict with national and local planning policies protecting the Green Belt and Area of High Landscape Value. The Trust goes on to argue that the application site performs three of the five functions performed by Green Belts as described in PPG2, and concludes that its development would set a disastrous precedent for the city.

Other objection letters express concern regarding additional traffic generation onto an already busy A167 and the hazardous nature of the proposed access, the impact upon the landscape, the potential physical domination of the proposed properties on Whitesmocks Avenue properties to the detriment of residential amenity, harm to wildlife, the potential for flooding due to surface water run-off from the site, and a lack of need for more housing when many being built in Durham remain unoccupied.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

### **PLANNING CONSIDERATIONS**

Fernhill is a most sensitive site, lying outside the Durham City settlement boundary, and within a part of the Green Belt designated as being of High Landscape Value. Although relatively small it makes a significant contribution in relation to the character and setting of the City. It also lies within a wildlife corridor linking the Browney Valley with Flass Vale, providing cover and a level of tranquillity for the movement of fauna. Thus, the acceptability or otherwise of the submitted development proposal turns essentially upon whether special circumstances justify a departure from well established national and local planning policies designed to protect such areas of land.

In addition, a judgement must be made as to whether inadequate, or an absence of, relevant supporting information is prejudicial to the credibility of this application, and whether other matters of acknowledged importance such as tree protection, residential amenity, and highway safety would be harmed.

Those acting on behalf of the applicant argue that a need for further executive housing in Durham, and the entrepreneurial residents it will bring, are justifications for established national and local planning policies protecting the countryside being set aside. Furthermore, it is argued that the site should not logically lie outside the settlement boundary, as it performs no function as Green Belt land.

In regard to the former, I am unaware of any conclusive evidence that there is a lack of executive housing in Durham, and an admittedly unscientific survey suggests that there are a number of such houses currently on the market. I am also unaware of any proven connection between new housing at Fernhill and potential economic investment in the City.. There is, however, established evidence of a need for affordable housing in Durham as well as recent evidence that larger residential plots have been subdivided.

As the site is designated as Green Belt within the City of Durham Local Plan appropriate weight must be attached its protection. Adopted in 2004, this is an up to date document. Due to Local Government reorganisation the replacement Local Development Framework is being reappraised as a county-wide document and during the course of its evolution is the appropriate time for any reassessment of Green Belt boundaries.

The site is both elevated and prominent, with important mature boundary trees, and in its current form comprises a wholly appropriate component of the Green Belt by virtue of its natural openness. Its retention as such is important for several reasons.

The west side of the A167, upon which Fernhill stands, is punctuated by development, and this gives greater emphasis to remaining pockets of woodland such as exists at the application site. Were this site developed, any visual connection with this part of the city and the countryside beyond would be substantially reduced.

Opposite Fernhill, to the south of the A167, lies Flass Vale, a protected open area of wildlife interest. This visual break to development has a clear east-west link with the open grounds that currently surround Fernhill and the open countryside beyond, and constitute part of a wildlife corridor. The development of the application site would sever this connection.

Thirdly, there remains the unresearched suggestion that the original route between the City and Beaurepaire passed close by, possibly along Club Lane. Therefore this area may possess an as yet unexplored history.

My conclusion must therefore be that, however carefully designed, new housing in this location must damage the Greenbelt's essential quality of openness, detract from the natural beauty that led to its designation of being of High Landscape Value, and cause harm to the open countryside by introducing built development. Erosion of the character and setting of the City on this section of prominent ridge would result. This renders the application in breach of the objectives of PPG2, and Local Plan Policies E1, E7, E10, E 18, H2 and H5.

An absence of a rigorous assessment of the impact of this application upon interests relating to flood risk, ecology and archaeology has led to expressions of concern from the relevant statutory consultees. Accordingly, the proposal is potentially at odds with the objectives of Local Plan Policies E16, E24 and U8A. By arranging the proposed development around the site boundaries a number of both mature and semi-mature trees would be potentially at risk, both from the houses themselves and arising from future pressure for pruning or removal from residents seeking additional light and views. Accordingly, the objectives of Local Plan Policy E14 would be prejudiced.

The County Highway Authority has expressed concerns regarding the safety of the proposed access onto the busy A167. The road is lined by mature trees, and traffic is relatively fast moving. Only the removal of trees in the line of vision of drivers joining the A167 from Fernhill would render such a manoeuvre safe. A Unilateral Undertaking to legally secure the regular removal of vegetation growing from the base of these trees has been offered on behalf of the applicant, but this, in my view, fails to address the issue.. Only the complete removal of the trees in question would solve the problem, and from a visual amenity standpoint such felling would be quite unacceptable.

## CONCLUSION

Fernhill is a large country house in spacious grounds that sits comfortably in a semi rural location. Its extensive gardens are an important component of the countryside within which they lie, and that countryside's quality is recognised by Green Belt and Area of High Landscape Value designations. No special circumstances have, in my judgement, been demonstrated as justification for setting aside well established national and local planning policies designed to protect such areas.

The absence of a safe vehicular access for the level of traffic likely to be generated by this development, compounded by unresolved analysis in respect of flood risk, ecology and archaeology, and the potential harm to important trees, also run contrary to Local Plan policy. I have taken into account all other material issues, including the impact the proposed development might have on nearby residents, but these do not alter my conclusion that there are strong grounds to resist approval of this application. Furthermore, whilst it is a recognised planning principle that all proposals must be assessed on their individual merits, were an exception allowed in this particular case, further incursions into the countryside and Green Belt by new housing on the edge of the City would be more difficult to resist.

## RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the proposed development, by reason of its location within a designated Green Belt, would impact in a harmful manner upon its essential quality of "openness", to the detriment of that area's character and appearance, contrary to the objectives of PPG2 and City of Durham Local Plan 2004 Policy E1.
2. The Local Planning Authority considers that the proposed development, by reason of its location outside the Durham City settlement boundary, would constitute unjustified development in the countryside, to the detriment that area's character and appearance, contrary to the objectives of City of Durham Local Plan 2004 Policies H2, H5 and E7.
3. The Local Planning Authority considers that the proposed development, by reason of its location within an Area of High Landscape Value, would cause harm to that area's character and appearance by introducing a prominent built form, contrary to the objectives of City of Durham Local Plan 2004 Policy E10.
4. The Local Planning Authority considers that the proposed vehicular access onto the A167, due to inadequate visibility as a result of mature roadside trees, would lead to conditions prejudicial to highway safety. The removal of the trees in question would impact harmfully in the visual amenity of the area, to the detriment of its character and appearance. The objectives of City of Durham Local Plan 2004 Policies T1 and E14 would accordingly be prejudiced.



5. The Local Planning Authority considers that the absence of a rigorous Flood Risk Assessment has resulted in uncertainty as to whether increased flood risk would result from the proposed development. This is contrary to the objectives of City of Durham Local Plan 2004 Policy U8A.
6. The Local Planning Authority considers that the absence of a rigorous ecological assessment has resulted in uncertainty as to whether the proposed development would have an adverse impact upon wildlife; including species protected by law. This is contrary to the objectives of City of Durham Local Plan 2004 Policy E16 and E19.
7. The Local Planning Authority considers that the absence of a rigorous archaeological assessment has resulted in uncertainty as to whether the proposed development would have an adverse impact upon matters of archaeological importance. This is contrary to City of Durham Local Plan 2004 Policy E24.
8. The Local Planning Authority considers that the proposed development, by reason of layout and form, places important mature and semi mature trees at risk, both directly and by creating conditions that in future could lead to pressure for tree removal, contrary to the objectives of City of Durham Local Plan 2004 Policy E14.
9. The Local Planning Authority considers that the approval of the proposed development, within a Green Belt and outside an established settlement boundary, without very special justification, would render it difficult for the Local Planning Authority to resist further Green Belt and countryside incursions by new development, to the incremental detriment of Durham City's unique setting.

## **BACKGROUND PAPERS**

Submitted application forms, drawings, and supporting documents.

Planning Policy Statements: PPS 1, PPS3 and PPS9. Planning Policy Guidance: PPG2 & PPG13

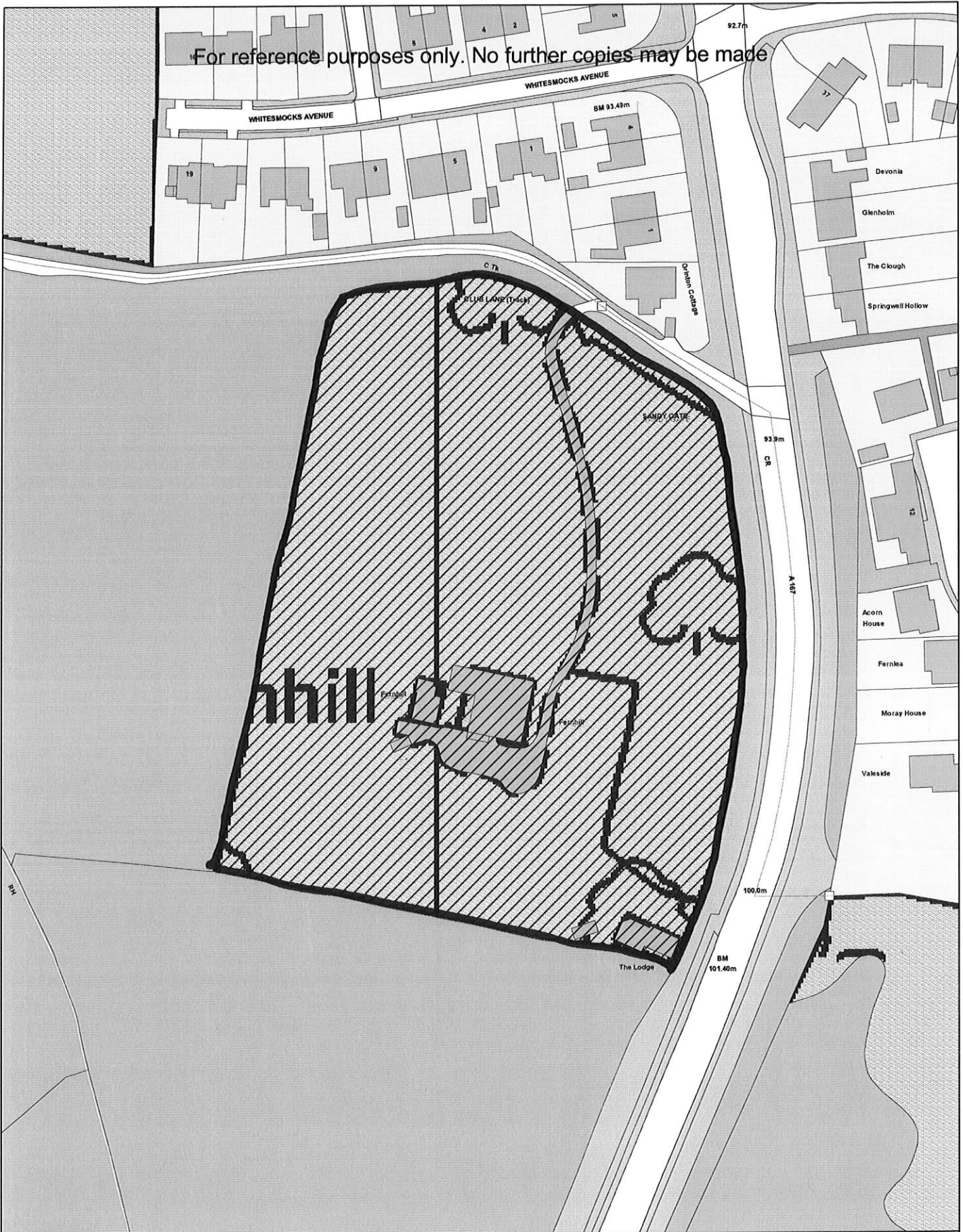
The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

Statutory, internal and public representations and consultation responses.



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City of  
Durham

Planning Services

Application No. 4/08/00523/FPA  
Fernhill, Crossgate Moor, Durham

Comments

Date

05 September 2008

Scale

1:1250

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**ITEM 6**

<b>08/0585/FPA &amp; 08/0587/CAC</b>	<b>Magdalene Heights, Gilesgate, Durham, DH1 1SY</b>
<b>Mr D Franks</b>	<b>Demolition of existing residential dwellings and erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping</b>

**SITE AND APPLICATION DESCRIPTION**

These applications relate to an existing L - shaped residential building located in a prominent hill top location. The existing dwellings are modern and constructed of painted render with a concrete tiled roof and the building is one and a half storeys in height. The land to the north of the dwelling falls away steeply and the property has clear views over the surrounding countryside. To the north and east is open countryside with trees that lies within the green belt and is an area of high landscape value. The building is within the Durham (City Centre) Conservation Area and within the settlement boundary.

The two applications presented here are for planning permission and for conservation area consent and which propose the demolition of the existing dwellings and their replacement with a two to three storey block which is proposed to form 10 apartments. The apartments incorporate a variety of differing gables to the front and rear of the site, while having a staggered footprint. Ten car parking spaces are proposed on the western edge of the site.

**RELEVANT HISTORY**

In 1999 planning permission was granted for a detached pitched roof double garage. In 2002 planning permission was refused for the erection of second storey pitched roof extension to existing dwelling and provision of 5 no. dormers and 1 no. rooflight to provide 6 bedroom student accommodation annexe

A further application was approved for a second storey pitched roof extension to existing dwelling with a reduction in the number of dormers to 4 and 2 no. velux windows to provide 6 bedroomed student annex.

In 2007 planning permission was granted for a two storey extension to allow conversion of existing building of 4 no. residential units to provide 5 no. residential dwellings with subdivision of existing garden and associated parking and access.

**POLICIES**

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Guidance Note 2: Green Belts, outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 9: Biodiversity and Geological Conservation: sets out the planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national policies and should be read in conjunction with other relevant statements of national planning policy.

Planning Policy Guidance Note 13: Transport, this PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

Planning Policy Guidance Note 14: Development on Unstable Land, explains briefly the effects of land instability on development and land use. The responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process is emphasised.

Planning Policy Guidance Note 15: Planning and the Historic Environment, lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together.

## **REGIONAL POLICY**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

## **LOCAL PLAN POLICIES**

Policy E1 reflects national advice and outlines the presumption against inappropriate development in the Durham City Green Belt to preserve its intrinsic openness.

Policies E6 and E22 are complimentary policies designed to protect the character and appearance of the City Centre Conservation Area, setting out a number of fundamental criteria derived from PPG15 (above), designed to protect the special character, appearance and setting of the designated area. All development is required to preserve or enhance the character or appearance of the Conservation Area. All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting where appropriate architectural details. Policy E22 is the general Conservation Area Policy, with E6 specific to the City Centre Conservation Area, setting out criteria relating to building and demolition works.

Policy E10 seeks to protect the Area of High Landscape Value, resisting development that would have an unacceptable adverse effect on the landscape value or quality of the area, and requiring an acceptable development to respect the landscape in terms of its siting, design, scale, materials, and protection of landscape features.

Policy E14 states that in considering proposals affecting trees and hedgerows the Council will not permit the loss of ancient woodland, designate TPOs as necessary, require development to retain important groups of trees, individual trees and hedgerows, requiring a survey of such when development may affect such.

Policy E19 seeks to protect key wildlife corridors whilst E20 recognises the importance of Local Nature Reserves.

Policy H2 relates to new housing development in Durham City, stating that the development of previously developed, or 'brownfield' land will be permitted providing it accords with the more detailed development proposals of the Council.

Policy H13 seeks to protect the character of residential areas, stating that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policies T1 and T10 of the Local Plan relate to general and parking related highways policies, starting from the point that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. Vehicular parking for new development should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of developments.

Policies Q1 and Q2 sets out criteria all new development must take into account in its design and layout, including elements of personal safety and crime prevention, the needs of the disabled and the elderly, and minimising conflict between pedestrians and vehicles.

Policy Q8 sets out the Councils standard to ensure the quality of new residential developments. Criteria include providing for adequate amenity and privacy for each dwelling, minimising the impact of the proposal upon the occupants of existing nearby and adjacent properties, provision of safe, accessible and attractive open space, retaining existing features of interest including trees and hedgerows, and being appropriate in scale, form, density, and materials to the character of its surroundings, along with making the most efficient use of the land. The requirements for accommodation of the requirements for foul and surface drainage within development schemes are outlined in Policy U8a.

Policy U13 - Development on unstable land - will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at <http://www.durhamcity.gov.uk/> .*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority note the development is accessed from the A690 and that the development shows parking for 10 vehicles which is considered adequate for an apartment close to the centre of the Durham. However, two parking spaces to the north of the car park would be difficult to manoeuvre to enter and leave the site in a forward direction and should be re-designed.

English Heritage has raised concerns about the design and access statement. They also consider there is scope to improve the quality of the conservation area in this location and they question the use of artificial stone and half timbered gables which do not provide a locally distinctive style.

Northumbrian Water raises no objection.

## **PUBLIC RESPONSES**

Nine letters of representation have been received. Three letters of support and comment have been received with the main points being that this is an excellent use of brownfield land that is well designed and does not affect local residents' privacy.

Five letters of objection were submitted which raised concerns about the disruption from the proposed building work in relation to the site traffic and the dirt and noise. Concern that the building works will affect the sale of an objector's property. Concern is also expressed about the shared communal garden and the future maintenance of the land and the trees. Comments are raised relating to the retention of the existing hedge and boundary trees to retain neighbours privacy but not to overshadow them, while the building itself will lead to a loss of light and overlooking. Concern is also raised that the existing access road is dangerous due to inconsiderate parking and the additional traffic from this development may make a bad situation worse, while the parking levels are judged insufficient. The final issue related to concern that the boundary fencing was also acting as garden retaining walls and details of these are not submitted and no details of their future maintenance.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## **PLANNING CONSIDERATIONS**

The site is located within Durham (City Centre) Conservation Area, in a very elevated and prominent position rising high above the River Wear valley and the Area of High Landscape Value. The site is on the edge of a residential area and settlement boundary, bordering the Green Belt to the north and east. An Ancient Monument the Chapel of St Mary Magdalene lies to the east and is visible from the front of the site along the busy A690. It is this setting that makes the application site an important and conspicuous one within the Conservation Area.

The key issues to be considered therefore relate to the appropriateness of the works in the context of the Conservation Area, both in terms of the loss of the existing residential building and of the height, scale and massing of the replacement apartments. The impact on the longer range views of the site and the effect on the adjacent area – both natural and built are also important considerations. The effect on the trees needs careful consideration and impact on the levels of privacy and amenity for the new dwellings and the existing properties on the site. Policies E6, E22, E14, H2, H13, Q8 and T1 and T10 therefore provide the context for consideration of the application

As existing, the application site comprises of a large residential property that has been extended beyond recognition of its original form over the years. The building is L-shaped and one and half storey high when viewed from the road, and two/three storeys from the rear. The building is rendered and painted white and is covered with grey/black concrete tiles. It is of no architectural merit. The terrace garden falls steeply down to the northern boundary and is surrounded by trees and hedges.



As the existing building is of no historical or architectural merit there is no objection in principle to the redevelopment of this site. Indeed Officers considers that this site provides an exciting opportunity to enhance the Conservation Area with a good quality contemporary or traditional development. To achieve such a scheme Officers consider the height of the new development should be a similar height to the existing development so that the impact of the redevelopment on the surrounding area would not be increased. The land allocated as Green Belt that lies to the east should be protected in accordance with Policy E1. Additionally the land to the north of the existing residential buildings which steeply falls in level should be retained.

There has been a considerable amount of discussion, letters and pre-application meetings on this site between Officers from both the Council's Planning and Cultural Services, as well as the applicant's agent. The most recent consultation involved a clear, crisp contemporary development that had a vertical emphasis. The layout was broken up into sections, providing a staggered approach to the building line to break up the bulk of the building. Officers supported the contemporary design and worked with the applicant's agent to achieve a satisfactory layout. The last correspondence suggested amending the layout of the central units to decrease the impact on the distant views of the site and included a provisional sketch scheme from Officers.

The application represents a departure from the aforementioned approach consisting of a demolition of the original residential property and its replacement by a very disappointing scheme of 10 apartments and associated car parking. The scale and size of the development and possible height (it seems taller than the original building but the plans of the existing buildings are not to scale thus preventing Officers from accurately assessing this) and the extent of the building coverage of the land in this very elevated position would make the building very visible in the townscape and along the ridge line. Some sections of the building extend well beyond the footprint of the building which has led to three central sections jutting out to the north beyond the slope by up to 5m and this land has to be built up quite significantly. This would make the building extremely prominent on this ridge line from the Area of High Landscape Value, the river valley below and Newton Hall beyond, as well as additionally at closer quarters from within the surrounding Conservation Area; which would be contrary to Policy E22.

The design and architecture is generally disappointing and unsympathetic to the character of the Conservation Area. Although the massing has been reduced by breaking up the development into smaller components, staggering the units and providing more verticality, the overall design still falls short of requirements in terms of scale, design and detailing.

Throughout the pre-application meetings officers explained that there could be two different approaches either the traditional pastiche approach similar to the surrounding Victorian terraces or the contemporary route, using verticality, broken floor plans, good quality modern materials i.e. timber cladding, metalwork, brick and glass (as the previous sketch). Unfortunately, the submitted scheme is neither one thing nor the other; it has elements of both that do not marry together in terms of elevation treatment and detailing. The impression that it gives is a confused mixture of styles, with the elevations having every gable treated differently. For example, some elevations have a horizontal emphasis to the fenestration, while others are more vertical, some are modern in glass, while others have a more solid traditional brick treatment with timber beams. In addition, the width and scale of the buildings combined with their shallow roofs make the building appear very bulky adding to the overall scale.

The lack of architectural integrity, and the bulk and scale of this development would look incongruous in the street scene and would not preserve or enhance the character of the Conservation Area, and would therefore be contrary to Policy E22.

The scale of the development of the 10 apartments has led to the site becoming overdeveloped. The communal garden area to the east of the site extends out beyond the settlement boundary and encroaches onto the green belt land. There would also be limited useable space for communal gardens due to the site coverage from buildings and the associated parking. The area to the north is really too steep for effective use as a garden and access would be difficult. The proposal is therefore contrary to Policy E1.

Concern is also raised about the proposed use of materials, having natural stone to the front elevation and artificial stone rear and side elevations, in an area dominated by the use of brickwork. Officers echo English Heritages comments that a good quality brick would enhance the Conservation Area.

The car parking to the west of the application site provides a parking layout for ten vehicles which the County Highway Officer considers is a satisfactory number in this location. However he has raised a concern that two of the parking spaces would not allow a vehicle to enter and exit the site in a forward direction and as such the layout is not considered satisfactory. For this reason the proposal is contrary to Policy T1 and T10.

With regard to the impact on the neighbouring properties the development is proposed to be three storeys in height. As previously discussed the topography leads to the development being elevated above the detached properties to the north on Orchard Drive. Although the minimum space about dwellings standards in Policy Q8 has been achieved Officers have concerns about the relationship between the elevated three storey properties and the properties to the north. The difference in levels would exacerbate the level of overlooking both to the gardens and habitable room windows.

Finally, the large coverage of the site, particularly the flat part, creates limited room for landscaping. Any planting proposed would have to be on the slope that falls away steeply and this will have a limited impact on screening of the development as well as resulting in an even more prominent new development.

## **CONCLUSION**

In conclusion, Officers are unable to support the application for 10 apartments. The prominent elevated siting of the application site requires an appropriately scaled and well designed development. However, the design and materials of the apartments are not considered to preserve or enhance the Conservation Area; the design being a discordant mixture of contemporary and traditional architecture, and the materials being a mixture of natural and artificial stone in a predominantly brick area. The proposed height of the development is a critical consideration and appears higher than the original building although plans of the original building are not provided at an accurate scale to allow an accurate comparison to be made. In addition, the development of 10 apartments on this restricted site does not provide adequate car parking or private garden areas. The separate application for the demolition of the existing building cannot consequently be supported without a scheme for the beneficial redevelopment of the site.

## **RECOMMENDATION**

That the planning application (08/00585) be **REFUSED** for the following reasons:

1. The Local Planning Authority consider that this proposed development of ten apartments is detrimental to the character and appearance of this prominent site, and fails to preserve or enhance the Conservation Area in the Durham City Conservation Area, in terms of scale, materials, form and design, contrary to Policies E6, E22, H3, H13, and Q8 of the City of Durham Local Plan, 2004.

2. The Local Planning Authority considers the proposed development of ten apartments on this prominent hill top location would have a built form that would appear prominent on the ridge line. This would detract from views of the Conservation Area from the Area of High Landscape Value, Newton Hall and the adjacent Conservation Area. This is contrary to Policy E22 of the City of Durham Local Plan 2004.
3. The Local Planning Authority considers that the proposed development of ten apartments on this restrictive site represents an overdevelopment of the site as the proposal fails to provide adequate car parking and private garden areas contrary to Policy T1, T10 and Q8 of the City of Durham Local Plan 2004.
4. The Local Planning Authority considers that the proposed development of ten apartments on this restrictive site includes a residential curtilage within the green belt which detracts from the openness of the greenbelt. This is considered to be contrary to Policy E1 of the City of Durham Local Plan 2004.
5. The Local Planning Authority considers that this application is unacceptable in providing inconsistent plans of the existing development, that do not allow the Council, its officers, or consultees the opportunity to make a reasoned and accurate judgement on the height of the ten apartments compared to the existing building, and consequently whether the proposed development would preserve or enhance the character an appearance of the Durham (City Centre) Conservation Area as required by Policies E6 and E22 of the City of Durham Local Plan 2004.
6. The Local Planning Authority considers that the proposed development due to its height, elevated siting and introduction of balconies will detract from the privacy and residential amenity of the existing properties to the north of the application site. For these reasons the application is not considered acceptable and is considered to be contrary to Policy Q8 of the City of Durham Local Plan 2004.

That the application for conservation area consent (08/00587) be **REFUSED** for the following reason:

1. The Local Planning Authority has not granted consent for the beneficial redevelopment of this site. As such the proposed demolition of the existing building without a planning consent for the agreed redevelopment would fail to preserve or enhance the Conservation Area which is contrary to Policy E6 and E22 of the City of Durham Local Plan 2004.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans

Design and Access Statement

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPG13, PPG15, PPG16

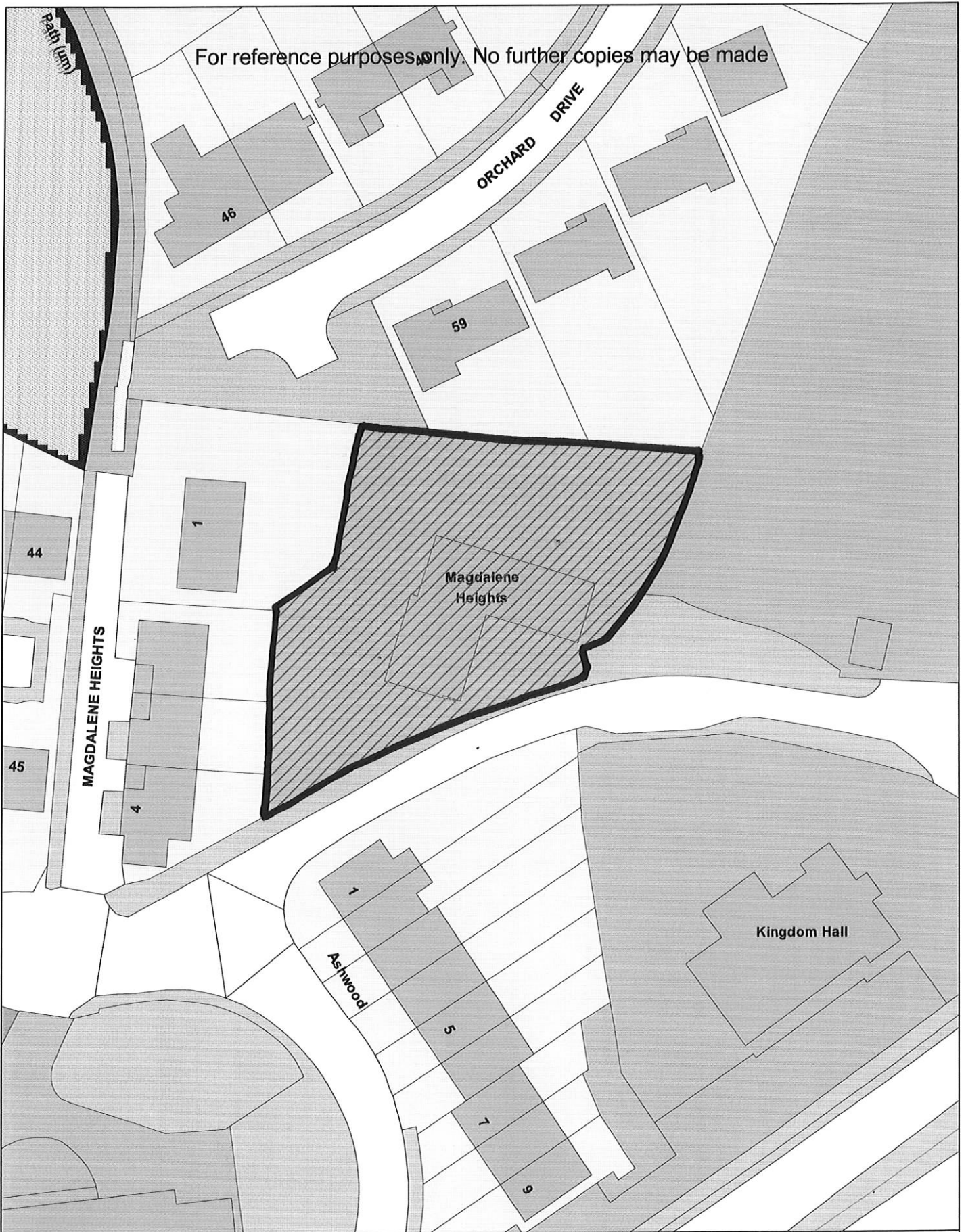
City of Durham Local Plan 2004

Responses from County Highways, Northumbrian Water and English Heritage

Public Consultation Responses



For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/08/00585/FPA + 4/08/00587/CAC

Magdalene Heights, Gilesgte, Durham

Comments

Date

05 September 2008

Scale

1:625

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**ITEM 7**

<b>08/0619/FPA &amp; 08/0620/CAC</b>	<b>Former Builder's Yard, John Street, Durham</b>
<b>Adamson Developments (Durham) Ltd</b>	<b>Demolition of existing building and erection of 22 apartments with associated basement parking</b>

**SITE AND APPLICATION DESCRIPTION**

John Street is a short vehicular cul-de-sac situated adjacent the railway embankment at the heart of the City Centre Conservation Area. The character of the street is split between the traditional two storey Victorian terraced residential properties on its south side, and a range of low former commercial buildings, some converted to residential use, and a modern church building on the northern side of the street. A small development of traditionally styled apartments sits at the entrance to the street. The currently open site at the head of the street allows a view through to Holly St, another Victorian Terrace, sitting at a higher level atop a high retaining wall.

The street has a more heavily used pedestrian function, despite having pavement on only the south side adjacent the Victorian Terrace, as at the cul-de-sac end, rough surfaced footpaths lead onto both steeply up to Hawthorn Terrace, and along the railway embankment, via the heads of Holly Street, Mistletoe Street, and Lawson Terrace, to the pedestrian tunnel through the railway embankment to Redhills. This route is particularly well used by students attending the Durham Johnston School.

The topography of the site and surrounding environment further define its character, John Street nestling in the lee of higher ground between the railway embankment, and Hawthorn Terrace, with Holly Street providing a stop to its end at a high retaining wall.

Formerly in use as a builder's yard, the proposed development site has been effectively vacant for many years, with only low key and minimal storage of materials and plant to denote its use. Two basic single-storey flat roofed garages on the northern part of the site back onto the large retaining wall supporting the roadway and footpath of Holly Street, whose traditional Victorian properties look over the land from a higher level. Whilst Holly Street is now wholly residential in use, those properties adjacent to the railway embankment are of a larger scale, indicating a previous commercial use. The top of the retaining wall is protected by a wooden fence, with some small self-seeded trees beginning to establish themselves. The remaining boundaries are defined by poor-quality post and wire markers of around 2m in height, and a characterful stone wall along the access to Hallgarth Street. The builder's yard is accessed only from John Street by double gates at the head of that street.

Whilst the immediate street scene is defined by small scale buildings, both residential and formerly commercial, there are a range of larger buildings in the wider area - including the former organ factory in Hawthorn Terrace, St. Margaret's Hospital, and on the other side of the East-Coast main-line, Redhills Miners Memorial Hall. The nearby listed railway viaduct is also a building of imposing scale and character.

This application proposes a new residential development of 22 apartments. A frontage onto Holly Street seeks to match the scale of the existing dwellings, and use a palette of materials, and type and position of openings, doorways, and simplicity of detailing that reflects, but does not copy the facing properties. Small dormers punctuate the roof slope. The ends of the new building in Holly Street, where the site, and the development turns its back on itself to fall with the unmade-up footpaths down to John Street, are formed of contemporary styled, modern end features. (These end features making references to other such curved end features, such as at the nearby Colpitts Hotel, and EBGB Music Store). On the easterly side this curves round, set-back from the building line and is visible at the entrance to Holly Street from Hawthorn Terrace. The lower floors are proposed boarded, with upper, third level stepped back, with a flat, corniced roof dressed in darker material to match the adjacent roof.

Whilst a similar style of end feature is planned for the elevation facing the railway embankment, that element will be faceted to match the ends of the terrace streets that address the railway. The head of John Street will follow vehicular access into and under the scheme via an appropriately scaled entrance and gate next to which a pitched-roof residential block gives a visual 'stop' to the cul-de-sac. This occupies a similar position to a residential structure of similar footprint shown on historic maps. The latter and the two blocks that flank it, which climb with the currently un-surfaced footpaths, help to reflect the topography on the edges, and through the site. The vista from the A690 end of John Street is intended re-inforces this through a rising series of rooflines and glimpses between the buildings created by an interplay of internal amenity and circulation spaces.

A comprehensive Design and Access Statement has been submitted showing the context and concept of the proposals in relation to both the immediate area, and the wider City Centre.

The culvert that had been a major impediment to previous development proposals on the site is proposed to be re-directed.

A second application accompanies the proposed development proposals, required for the demolition of the small-scale storage structures on site, acknowledging its Conservation Area setting.

## **RELEVANT HISTORY**

This is a comparatively large open brownfield site for Durham City Centre, and has been subject to a number of development proposals over the years. Two applications were submitted in 2007 but withdrawn when it became apparent refusal was likely.

## **POLICIES**

### ***NATIONAL POLICIES***

PPS1 Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

PPS3 Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.



PPG13 Transport has objectives which are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

PPG15 Planning and the Historic Environment: This PPG lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together. Part One of the PPG deals with those aspects of conservation policy which interact most directly with the planning system. These include matters of economic prosperity, visual impact, building alterations, traffic and affect on the character of conservation areas. Part Two addresses the identification and recording of the historic environment including listing procedures, upkeep and repairs and church buildings.

PPG16 Archaeology and Planning: This PPG sets out the government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside. It gives advice on the handling of archaeological remains and discoveries through the development plan and development control systems, including the weight to be given to them in planning decisions and planning conditions. Explanation is given of the importance of archaeology and of procedures in the event of archaeological remains being discovered during development.

PPG24 Planning and Noise: This PPG guides local authorities on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

## **REGIONAL POLICIES**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

## **LOCAL POLICIES**

Policy E3 Cathedral and Castle World Heritage Site by restricting development in local and distant views, and through the application of policies relating to listed buildings, conservation areas, green belt, and archaeology.

Policies E6 and E22 are complimentary policies designed to protect the character and appearance of the City Centre Conservation Area, setting out a number of fundamental criteria derived from PPG15 (above), designed to protect the special character, appearance and setting of the designated area. All development is required to preserve or enhance the character or appearance of the Conservation Area.

Policy H2 relates to new housing development in Durham City, stating that the development of previously developed, or 'brownfield' land will be permitted providing it accords with the more detailed development proposals of the Council (as outlined below).

Policy H12 sets out a requirement for affordable housing on schemes of 25 units or more.

Policy H13 seeks to protect the character of residential areas, stating that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy H14 encourages developments and initiatives which secure environmental improvements within existing housing areas, providing that development respected and where appropriate enhanced local character.

Policies T1 and T10 of the Local plan relate to general and parking related highways policies, starting from the point that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. Vehicular parking for new development should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of developments.

The inclusion of Recreational and Amenity Space in new residential developments is required by Policy R2. In developments of 10 units or more open space is required in or adjacent the development, to a prescribed formula, or where it is shown this cannot be achieved, monies in lieu, to allow the Council to provide for such in the locale.

Policy CC1 is titled 'Vitality and Viability', and seeks to protect and enhance such in the City Centre, by promoting a mix of land uses including residential, promoting development that enhances the area both by day and night in a manner which is safe, accessible and friendly to all users.

Policies Q1 and Q2 sets out criteria all new development must take into account in its design and layout, including elements of personal safety and crime prevention, the needs of the disabled and the elderly, minimising conflict between pedestrians and vehicles and so on.

In Policy Q8 the Councils standard requirements to ensure the quality of new residential development are set out. Criteria include providing for adequate amenity and privacy for each dwelling, minimising the impact of the proposal upon the occupants of existing nearby and adjacent properties, provision of safe, accessible and attractive open space, retaining existing features of interest including trees and hedgerows, and being appropriate in scale, form, density, and materials to the character of its surroundings, along with making the most efficient use of the land.

Policy Q15 states that the Council will encourage the provision of artistic elements in the design and layout of development, with supplementary guidance having been adopted to formalise procedures for such.

Policy U8a outlines the requirements for accommodation of foul and surface drainage within development schemes.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority note the good relationship of the site to bus and rail facilities, and the location of the site within the City Centre parking zone, where passes are available. With parking for vehicles and cycles accommodated within the scheme, and pedestrian access from Holly Street, no objection is offered on highway grounds.

Northumbrian Water offer no objection to the proposals, requiring contact from the developer to discuss and agree the exact effect on their systems.

### **PUBLIC RESPONSES**

The City of Durham Trust welcome the vast improvement over previous schemes, with only a detailed comment on the design of the dormer windows roof.

The Ramblers Association have copied the Council into their efforts directed at changing the status of the adjacent footpath to a public byway

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## **PLANNING CONSIDERATIONS**

The applications relate to a complex development site within the City Centre Conservation Area. The complexity relates to the unusual shape and topography of the site, and the proximity of surrounding properties. A newly appointed architect has reviewed the previous development proposals, and sought to address their deficiencies, with a new approach that proposes a direct response to the site levels, and, taking into account the site's individual history, and that of its surroundings. This is based upon a traditional/contemporary blend of modern apartments with the external appearance of traditional Victorian dwellings. The applicants have engaged with the Council through the pre-submission period, meeting with Heritage and Design and Planning Officers, and have submitted a thorough and well presented scheme, with the design references and Design and Access Statement of particular note.

A detailed description of the scheme is outlined above. The planning case must be assessed against the principle policy issues to ascertain whether the proposals merit planning approval. In the first instance, and with a scheme of such size, the scale and character in relation to the Conservation Area setting must be considered. The proposed building, despite its size, has a limited impact on the general area, views of it being short. The main vista will be from John Street, glimpsed from the A690 travelling towards Nevilles Cross. Other approaches to the building restricted visually by existing development, such as the approach to Holly Street via Hawthorn Terrace and the pedestrian access along the railway embankment. The scheme is designed, in elevation and roofscape to blend into the Victorian grain of the area, and should not intrude into the iconic views from the adjacent East Coast Main Line railway to the World Heritage Site. The site is surprisingly screened in views from the Battlements at Wharton Park, and will blend in longer views across the City. In respect of the general impact on the Conservation Area, the proposals are considered acceptable.

In detail, much effort has been directed towards achieving a successful blend of traditional and contemporary architecture. The elevation to Holly Street has a separation distance below that suggested by the guidelines attached to Policy Q8, but is considered acceptable, as they replicate the traditional layout of the terraced Victorian properties that form the character of this area of the City. Breaks in the roof-line, eaves, and front elevation, along with window grouping and entrance door positions help reduce the bulk of the building and give an appropriate residential scale. As noted above, the design of the development at the head of John Street takes as its basis the historical records indicating the presence of dwellings in this position in the 19<sup>th</sup> Century. The windows of the two blocks flanking this structure have been designed with careful attention to window arrangements, that facing the railway being essentially blind, to minimise noise impact, and the main living room windows on the pedestrian access to Hawthorn Terrace being restricted to minimise impact on privacy and amenity of existing dwellings. Whilst roof accommodation evidenced by dormer windows is a feature of the scheme, the dormer windows are slim, and vertically proportioned, and do not compromise the scale of the main elements.

It is worth noting at this point that whilst a large amount of information has been submitted with the scheme, the specifics of the detailing will be required to be conditioned to ensure that features such as doors, canopies, window units, railings, gates, dormers are controlled to ensure a quality suggested by the elevational plans. Attention has been paid to the relationships with existing surrounding property, and for the need for an element of high quality private space internal to the scheme. The relationship to the existing residential privacy and amenity relationships has been afforded careful assessment due to the fact that in this area of the City there are a large number of let properties and response to consultation exercises can sometimes be low. (Absentee landlords are often not passed the Council's letters and a number of dwellings lie vacant for extended periods during the year.) Officers are of the opinion that the proposals represent a high quality addition, in keeping with the character and appearance of the Conservation Area, that gives due regard to the relationships to surrounding dwellings, and the privacy and amenity of residents within them, satisfying the requirements of Policies E6, E22 and Q8, and meeting the aspirations of PPS1 for achieving high quality design.

In principle the site is previously developed "brownfield" land which is given preference by Policy H2 of the Local Plan. The development proposes less than 25 residential units and there is therefore no requirement for any element of affordable housing to be included. A standard condition to ensure inclusion of the required '% for Art' element of the scheme is included. Requirements for open and amenity space, or monies in lieu of such, required by Policy R2 can be addressed in the same way.

There are two elements to the Highways implications of the site. The County Highway Authority acknowledges the benefits of the City Centre location of the site, and access to bus and rail facilities. There is a degree of internal parking provision for cars and cycles, and capacity within the surrounding parking zone, and the Highway authority has no objection to the on-site parking (including 3no.disabled) and vehicular access/egress proposed. The development site boundary does not include the two footpaths that connect the head of John Street to Hawthorn Terrace, and the subway access to Redhills. With both the County Footpaths Officer, and the Ramblers Association having aspirations for improvement of these footways, the developer has indicated a willingness to upgrade the footpaths as part of any planning approval, albeit with the ownership of the land involved uncertain, as a single act. A condition to ensure agreement of the required standard, within a prescribed timescale is proposed.

The developer has ascertained that the pipeline that traverses the site, and has caused problems for previous proposals can be redirected around the site, so only a standard drainage condition is proposed. Consultation with the County Archaeologist on previous applications established no archaeological interest on the site, so the developer was not asked to supply any information in this respect.

## **CONCLUSION**

The application represents the opportunity of a high quality residential development of a long-vacant brownfield site. Officers consider that the proposed mix of traditional and contemporary styles of design is appropriate for the Conservation Area setting, and in line with the relevant policies in the Local Plan, and guidance set out in Government advice to Local Planning Authorities. The list of suggested conditions is to cover standard items, and ensure the quality suggested by the submitted plans is implemented in detail, and results from detailed discussion with Heritage colleagues. The proposals therefore have officer's full support.

## **RECOMMENDATION**

That the planning application (4/08/0619/FPA) be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of pointing of the finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.
4. Details of any fences, railings, walls, gates and doors or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all pedestrian and vehicle hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme. This must include in particular construction and elevational details of the proposed dormer windows.

7. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 150mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
8. Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, (vii) guttering, and (viii) cornice details shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
9. Notwithstanding the information shown on the submitted plans a parapet wall detail shall be provided to the roof of the building in a form to be submitted to and agreed in writing with the Local Planning Authority before the development commences.
10. Notwithstanding the information shown on the submitted application details of all external lighting, including type, position, size, elevation and level of illumination shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
11. Before development is commenced details of all flues, vents, and extracts shall be submitted to, and approved in writing by the Local Planning Authority, being thereafter implemented to the satisfaction of the said Authority.
12. No development shall take place until formal legal agreement has been reached on a scheme of upgrading for the two unmade, unadopted footpaths outside, but immediately adjacent the site. The legal agreement will cover the standard of finish and timescale within which the works must be carried out. Development must subsequently be carried out in full accordance with said agreement.
13. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990, before the written agreement of the Local Planning Authority to a scheme to make provision for the format, detail, and implementation of either an installation of public art or incorporation of artistic elements into the design of Buildings, Open Spaces, or functional elements of the scheme, to a value equal to 1% of the construction cost of the capital project.
14. The development shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a legal agreement relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site or percentage of such offset against partial provision of such on the site.
15. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.

16. Before development commences agreement in writing must be reached on a scheme of construction working hours for the site, specifying start and finish times on weekdays, weekends, and public holidays, with no works of building operations to be carried out outside the agreed times, unless with further written agreement from the Local Planning Authority.

That the application for conservation area consent (08/00620) be **APPROVED** subject to the following condition:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

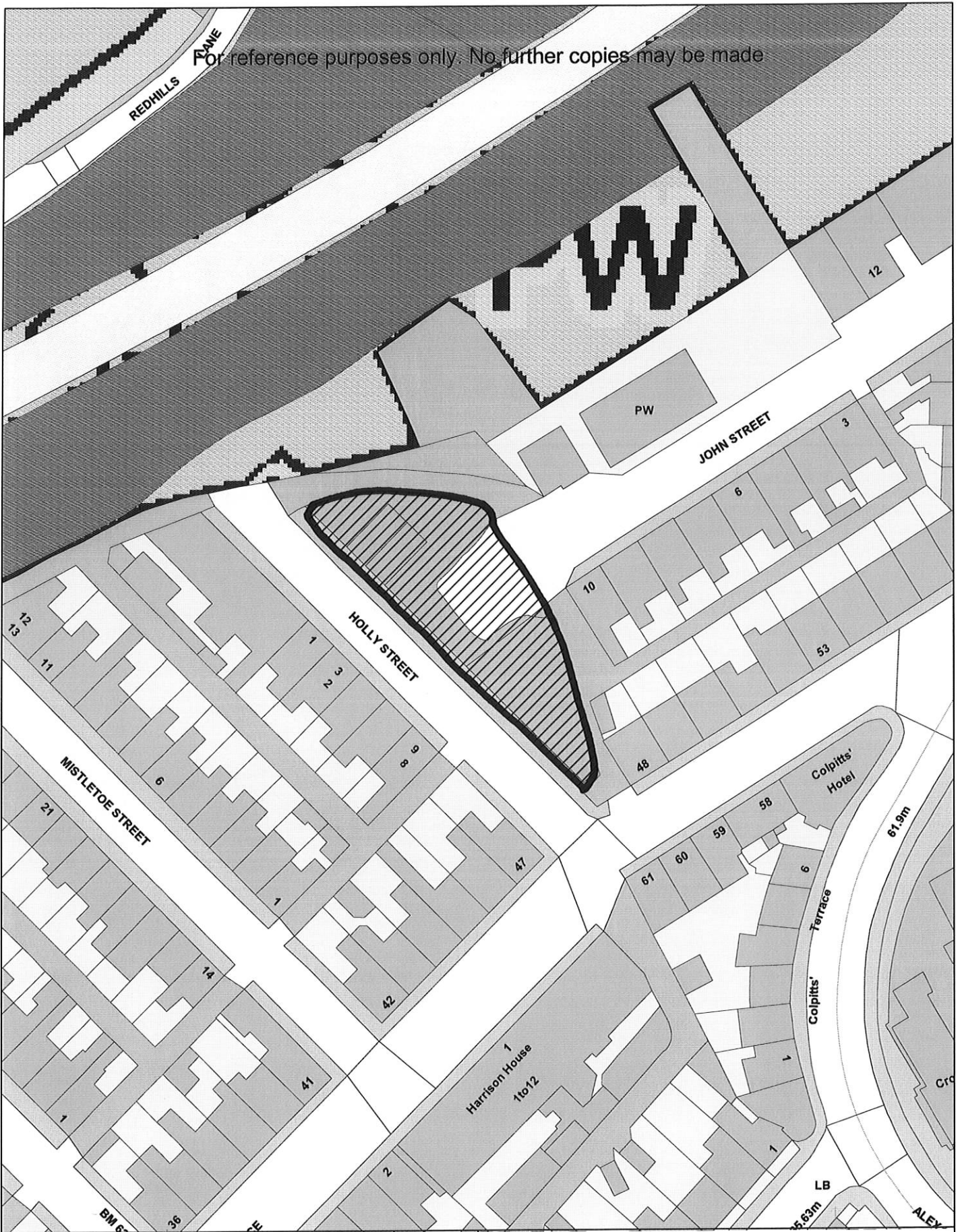
## **BACKGROUND PAPERS**

Submitted Application Forms, Plans  
Design and Access Statement  
Planning Policy Statements / Guidance, PPS1, PPS3, PPG13, PPG15, PPG16, PPG24  
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008  
City of Durham Local Plan 2004  
Responses from County Highways, County Footpaths  
Consultation Responses from Public  
Various File Notes and Correspondence





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City of  
Durham

Planning Services

Application No. 4/08/00619/FPA + 4/08/00620/CAC

Former Builders Yard, John Street, Durham

Comments

Date

05 September 2008

Scale

1:750

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**ITEM 8**

<b>08/00630/FPA</b>	<b>33 Whinney Hill, Durham, DH1 3BD</b>
<b>Hope Estates Ltd</b>	<b>Retention of as built two storey pitched roof extension to side and rear of existing dwelling</b>

**SITE AND APPLICATION DESCRIPTION**

The property lies within the residential area of Whinney Hill to the east of the City centre and lies within the Durham (City Centre) Conservation Area. The end of terrace property is located in a street of similar terraced and semi detached dwellings. The properties in this area were originally local authority stock providing accommodation for prison officers at HMP Durham. Many of the properties are now in private ownership and are either owner occupied or are let, often to students.

The application seeks to retain a two storey pitched roof extension to the side and rear of the dwelling.

The site has been subject to a number of applications, which are outlined below. Following the approval of application 08/00225/FPA construction commenced without any conditions being discharged. Furthermore, the extension as constructed differed from that approved, namely in the width of the extension, the replacement of a door in the rear elevation with a window and other alterations to fenestration in the property. Furthermore, the internal arrangement of the original application indicated that the property would become a four bedroomed property; however it is now apparent that the property would host 6 no. bedrooms with an additional TV Room.

**RELEVANT HISTORY**

An application for a two storey extension to side was refused in January 2008 on the grounds of inadequate parking provision and that the extension was of a scale and design that was not clearly subordinate to the main dwelling.

A resubmitted application for a two storey extension to side and rear was approved in April 2008.

**POLICIES**

***NATIONAL POLICIES***

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS3 Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Guidance Note 13: Transport establishes that transport objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

Planning Policy Guidance Note 15: Planning and the Historic Environment lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together.

## **REGIONAL POLICY**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Central to the RSS is a key principle of delivering sustainable communities.

## **LOCAL PLAN POLICIES**

Policy Q9 Alterations and Extensions to Residential Property - Provides guidance on residential extensions stating that the design, scale and materials used should be sympathetic to the dwelling and character of the area. Wherever possible extensions should incorporate pitched roofs. Extensions should respect the privacy of adjoining occupiers.

Policy E6 Durham (City Centre) Conservation Area - Encourages all proposals to preserve or enhance the Conservation Area through incorporating appropriate design, using appropriate materials and reflecting the quality of design appropriate to the historic City Centre.

Policy E22 Conservation Areas - Seeks to preserve or enhance the character or appearance of the Conservation Areas within the City through encouraging appropriate and sensitive scale and design in proposals, protecting landscape features and not permitting demolition of buildings contributing to the area's character.

Policy T1 Traffic Generation – General - Stipulates that planning permission shall not be granted for development which would generate traffic that would be detrimental to highway safety or residential amenity.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority considers that although there is an increase in the number of bedrooms within the extended building, the parking space provided would be adequate for a dwelling in this part of Durham City. No objection is therefore raised.

### **PUBLIC RESPONSES**

The City of Durham Trust has commented on the application and remain unconvinced that the work carried out corresponds to this application. Objection is raised to the size increase from 2 no. to 6 no. bedrooms and the increase in size of the property from 66 to 104 m<sup>2</sup>. It is considered that the extension is totally out of keeping with the Conservation Area and it is considered a stand should be taken against student landlords.

The Elvet Residents Association object to the application as it is considered the application seeks to legitimize a deliberate alteration to the original application. Objection is raised that the property has become student lodging for 6 no. or 7 no. students in place of original 2 no. bedroom property or even 4 no. bed property as previously approved. It is also considered that the application is contrary to Policy H9 of the City of Durham Local Plan and a request is made that the application is considered by full Planning Committee.

In addition further letters of objection have been received from local residents. Objectors consider that the proposal is contrary to relevant Local Plan policies by virtue of inadequate parking and that the extension differs from the original proposal with a poor materials match. Objection is also raised with the occupation of the property which is considered to have a capacity to house 7 no. students in bed-sits and that a house in multiple occupancy (HMO) has been created as more than 6 no. residents shall be living within the property. Objection is raised to the noise and disturbance as a result of the creation of an HMO. Concern is raised over a TV room being used as an additional bedroom. It is considered that there is an "over-saturation" of Whinney Hill with students.

Further objections relate to impacts upon amenity with the creation of an oppressive alley, loss of light to the property "Nine Tree" and gardens to the rear of No. 33 Whinney Hill. Reference is made to previous refusals at 13 Boyd Street and Enforcement Notices at Mount Joy Crescent regarding works in a Conservation Area.

An additional point raised is that the content of the application and design statement is misleading, referring to a "family home".

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

### **PLANNING CONSIDERATIONS**

This application forms the resubmission of a previously approved application for an extension which was erected without the discharge of any conditions and not in accordance with the approved plans. Whilst this is regrettable, the application should be considered solely on its planning merits and the identity of the applicants and their previous actions (alleged or otherwise) should not influence the decision making process.

As is evident from the content and volume of objection that this application has generated, wider issues in the Elvet Ward centring upon the market and business practices of the applicants and other landlords are evident. As these activities fall outside of the remit of the planning process they should not carry weight in the determination of this application.

The key issues for Members consideration relate solely the scale and design of the extension and its impact upon the amenity of nearby residents and upon the character of the Conservation Area.

As several objectors have raised the issue of the change of use of the property to a house in multiple occupation and Policy H9, it is considered appropriate to briefly address this issue. The key principle which defines the extent to which the Local Planning Authority can attempt to control student properties is whether or not they can be considered to be Houses in Multiple Occupation. The Use Classes Order and case law as established by the courts and Inspectors acting on behalf of the Secretary of State are the basis for addressing this issue.

Within the Use Classes Order, dwelling houses (Class C3) include use as a dwelling house (whether or not as a sole or main residence), by either a single person or by people living together as a family, or by not more than 6 residents living together as a single household (including a household where care is provided for residents).

The question with regards to student accommodation is whether the property is being occupied as a single household or not. Case law on previous cases of this nature suggests that if a house occupied by students is organised in such a way as to indicate that it is in multiple occupation, then planning permission is required as a material change of use. However, if students are living in a house on a communal basis and share costs and facilities it then has to be shown that a material change of use from a conventional dwelling house has occurred. In one case, an Inspector identified 9no. key indicators as to whether the building was being occupied as a single household or as a house in multiple occupation. These included; the origin of the tenancy; the extent to which facilities were shared, whether occupants were responsible for the whole house or just their rooms; the extent to which residents could lock their doors; the responsibility for filling vacancies; the allocation of rooms; the size of the establishment; the stability of the group and the mode of living.

With regards to this, the applicant, upon request has provided further information as to how the property is occupied. This information states that the property is occupied by a group of students who sign a lease on a joint and several liability basis, in that each student has their own contract, but each is renting the whole dwelling. If one of the group vacates his/her accommodation then the remainder of the group must fill the vacancy or absorb the shortfall in rent. All facilities are shared and there are no locks on the bedroom doors. On this basis therefore, it would seem reasonable to suggest that the mode of general living within the property is that of a single household and not as a house of multiple occupation, containing for instance bed-sits which would by definition include cooking and sleeping arrangements within each room.

Considerable weight is also often given to the reference within Class C3 to a "limit" of six residents. However even if seven students were to occupy a dwelling it would not necessarily follow that a change of use had occurred. Class C3 indicates that occupation of a dwelling house previously occupied by a single family, by those living as a single household up to six members in total, conclusively does not require planning permission by reason of being within the same Class. However it does not state that occupation of a dwelling house by individuals living as single household totalling more than six persons is a material change of use from a lower head count. This instead is a matter of fact and degree as outlined above. The City of Durham is considered no differently from other University/College towns/cities in respect of planning law and its interpretation. It has previously been the opinion of the Planning Inspectorate that in many cases the occupation of a property by seven or even eight students would not be materially different than a property of six students. Consequently, officers are of the opinion, in this case, that a material change of use to HMO has not taken place and that the dwelling would remain a Class C3 use and in essence a standard dwelling house.

In turn, this renders Policy H9 of the Local Plan irrelevant in this case, as the policy specifically applies to cases whereby a change of use is being applied for. Indeed, within the text of H9, acknowledgement is made to the fact that many student houses will fall outside of its scope. The objections raised therefore against the application on the grounds of its use as a student house and the current level of student housing within the area are not considered to be material to the determination of this particular application.

In respect of the impact of the student population on the locality the Council recognises the importance of balanced and sustainable communities and these are matters that are the subject of monitoring, review and action by the Authority. Strategies are in place to work with stakeholders to make the appropriate responses to local housing needs, the quality of life and the quality of the environment.

Turning next to the concerns over the level of parking provision at this property, it is considered that the provision of a single space is acceptable at this location. PPG13 is quite clear in stating that Local Planning Authorities should encourage sustainable methods of transport wherever possible and that it is reasonable therefore, in sustainable locations, to require a reduced level of parking provision. Whinney Hill is located within a short walk to the City Centre and within 1 mile of Durham Rail Station which is served by regular national rail services and also within 1 mile of Durham Bus Station providing regular local, regional and national bus services. The property is hence considered to be in a sustainable location and in accordance with national planning guidance the provision of a single parking space for a residential dwelling is considered appropriate in this instance. Furthermore the County Highways Authority has been consulted on the application and no objection is raised.

In terms of amenity, the proposal is considered to be acceptable. In terms of scale it differs only marginally from the extension originally approved, this proposal being 3.2m wide as opposed to 2.95m wide. It is not considered that this increase in width further impedes upon the amenity of neighbouring properties over and above the extension which was approved previously. It is noted that the rear door which was originally approved is now replaced by a window. Whilst this window would now appear to be to a habitable room, it is not considered that it represents a substantial loss of amenity for the occupiers of properties on Hallgarth View, being located to the side and rear of the property, providing only oblique views towards No.8 Hallgarth View. The concerns over the extension forming an oppressive alley are noted, but it is not considered that the alley would become so narrow or enclosed so as to justify the refusal of the application on this basis, furthermore, it should be noted that the principle of a two storey extension in this location has been accepted in the previously approved application.

It is with regards to design and the impact of the extension upon the character and appearance of the Conservation Area that the main issues are raised with regards to this application. In general terms, the design of the extension is acceptable, featuring a hipped roof set down from the main ridge of the property, being set back from the front elevation and being of a subordinate and sympathetic scale. This is a common form of extension both within and beyond the Conservation Area. The designation of a Conservation area does not preclude residential extensions and although Whinney Hill is an area of some character, hence its conservation area status, the properties are of limited architectural value in themselves and it is considered that this general form of the extension is acceptable in principle.

The introduction of the additional window into the front elevation does serve to unbalance the property to a degree but is not of such a detrimental impact upon the character or appearance of the Conservation Area so as to justify the refusal of the application. Many properties in Whinney Hill have had this extra window inserted, often without the requirement for planning permission and as such this property would not appear out of character or unusual within the immediate streetscene.

It is accepted that the brick used for the extension is not a particularly good match to the existing property. Although this brick has been used elsewhere in the Conservation Area by several builders, the properties of Whinney Hill, being originally local authority houses, are of a distinctive brick type. The fact that the match is not good is not disputed but what is pertinent, however, is the level of harm the brick which has been used has had upon the character and appearance of the Conservation Area. With regards to this and considering the level of render to the front elevation it is not considered that the brick used would have such a demonstrable level of harm upon the Conservation Area so as to justify the refusal of the application on these grounds. This is an opinion shared by the Senior Conservation Officer. The white soffits are noted and are not considered appropriate; however a condition securing the appropriate colour treatment can be attached to any approval.

Contrary to several objections, the fact that the extension has not been built in accordance with the originally approved plans does not automatically render it contrary to Policy Q9.

## **CONCLUSION**

The principle issues relating to the application are considered to be the scale and design of the extension, its impact upon the amenity of nearby residents, impacts upon the character and appearance of the Conservation Area and impacts upon highway safety and congestion. On balance, officers consider that the amenity of nearby residents shall not be adversely affected, that the extension has preserved the character and appearance of the Conservation Area and that no adverse impacts upon highway safety or traffic congestion shall occur. As a result officers are able to support the application.

## **RECOMMENDATION**

That the application be **APPROVED** subject to the following condition:

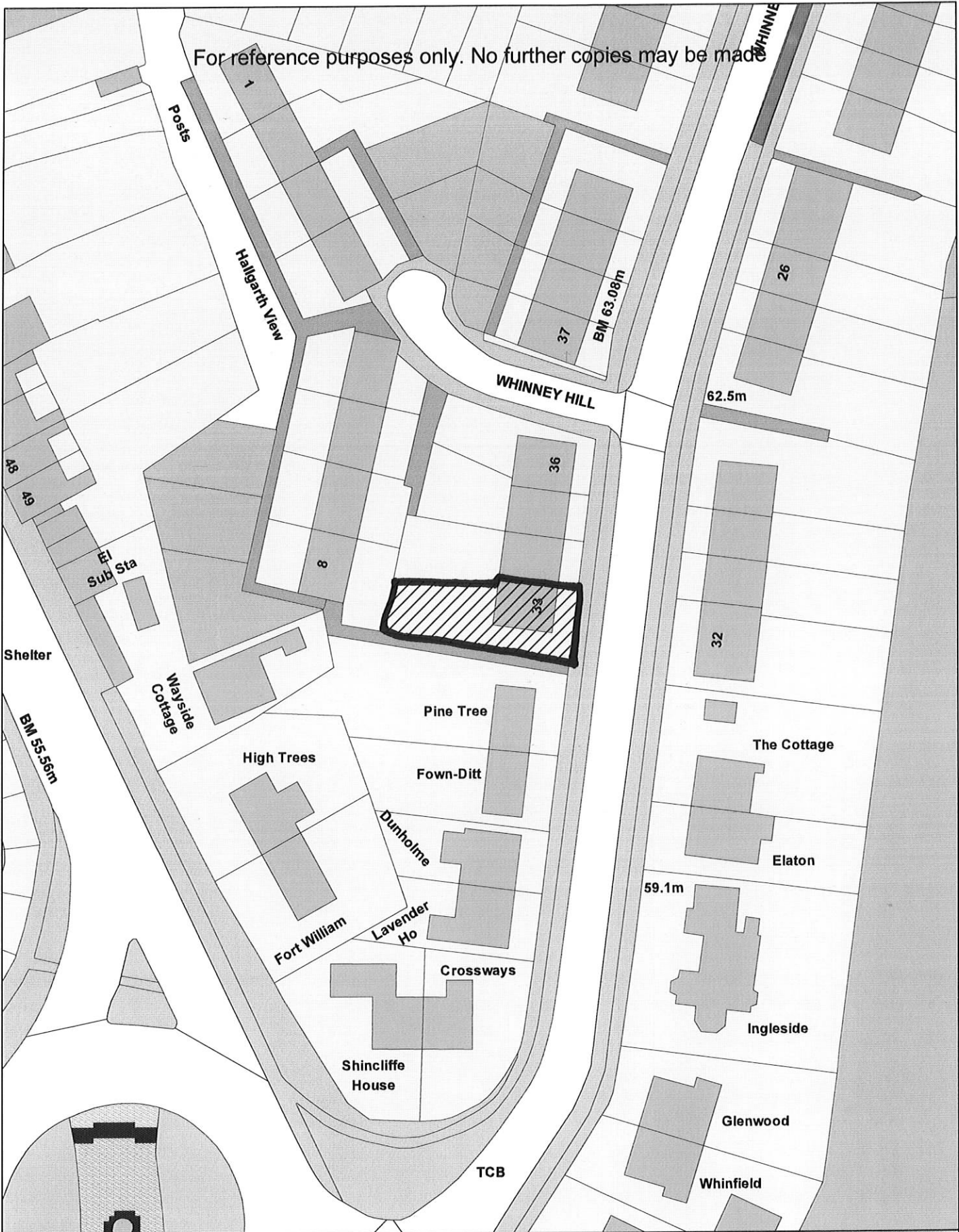
1. Within 2 months of the date of this approval, details of a black colour treatment of soffits on the extension must be submitted to and agreed in writing by the Local Planning Authority and within a further two months implemented in accordance with the agreed scheme to the satisfaction of the Local Planning Authority.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans  
Design and Access Statement  
Planning Policy Statement/Guidance: PPS1, PPS3, PPG13 and PPG15  
The North East of England Plan - Regional Spatial Strategy to 2021  
City of Durham Local Plan 2004  
Response from County Highway Authority  
Public Consultation Responses  
Various File Notes and Correspondence



For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/08/00630/FPA

33 Whinney Hill, Durham

Comments

Date

05 September 2008

Scale

1:625

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## ITEM 9

<b>4/08/00662</b>	<b>Proposed extension to retail store and associated alterations (revised and resubmitted)</b>
<b>Lidl UK</b>	<b>Lidl Foodstore, Arnison Centre, Durham.</b>

### **SITE AND APPLICATION DESCRIPTION**

The Lidl retail store lies close to the northern edge of the city. Immediately to the north stand Land Registry offices, to the east and south lies private housing. Across the main distributor road to the west is the Arnison District Shopping Centre.

The applicants wish to extend the floor area by 525sqm gross from a current 1100sqm gross to 1625sqm gross. This would be achieved by adding to the rear of the store on its eastern side, taking the form of a 16metre extension, 10 metres of which would be two storey and 6 metres single storey.

At the front of the store, on its western elevation, a new glazed entrance “pod”, canopy and “goal post” signing frame would be added.

Materials would reflect those already in use on the existing building through the use of brick, tiles and pre-weathered zinc cladding.

The rear extension would occupy land currently in use by the neighbouring Land Registry as an overflow car park. However, to reduce the impact of the extended building on those living to the east, existing perimeter tree planting would be retained and enhanced by additional planting between these boundary trees and the extension. A new footpath linking the Land Registry building with the car park to the south of the store would run along the extension’s eastern edge.

The store’s existing car park, which lies to the west and south of the building, contains 92 spaces. This would be increased to 99 spaces. The Land Registry’s overflow car park to the east of the store currently has 46 spaces ( the main car park to the north has an additional 232 spaces)

To compensate for the loss of the overflow car park, the applicants have agreed with the Land Registry to lease 15 spaces within the store car park for a period of five years, during which time it is expected that the land Registry will relocate.

This application is supported by a Design and Access Statement, Planning Statement, Transport Statement and full landscaping proposals with tree survey.

### **RELEVANT HISTORY**

The existing Lidl store is well established on the edge of a recognised District Shopping Centre, and is unrestricted in terms of types of goods sold.

An earlier planning application to extend the store was withdrawn following concerns being expressed by my office in respect of the extensive loss of boundary trees, and County Highway Authority concerns regarding encroachments onto “Highway Land” by a proposed car park extension.

## **POLICIES**

### ***NATIONAL POLICIES***

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 6 (PPS6) sets out the Government's policy on planning for the future of town centres. The Government's key objective for town centres is to promote their vitality and viability by:

- Planning for the growth and development of existing centres; and
- Promoting and enhancing existing centres, by focusing development in such centres and
- Encouraging a wide range of services in a good environment, accessible to all.

Planning Policy Guidance (PPG13) objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

### ***REGIONAL POLICY***

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

### ***LOCAL PLAN POLICIES***

Policy S1A – Retail Hierarchy has as its objective the protection and promotion of the vitality and viability of all centres within the local retail hierarchy of the City of Durham.

Policy S9A – The Arnison/Mercia Centre supports development proposals that would consolidate the role of this District Centre to meet the needs of residents on the western edge of Durham City.

Policy T1 – Traffic Generation- General precludes development proposals that would generate a level of traffic detrimental to highway safety or the amenity of occupiers of neighbouring property.

Policy T10 – Parking – General Provision requires a balance between a level of parking appropriate to highway safety and the promotion of alternative sustainable transport choices.

Policy Q1 – General Principals – Designing for People requires account to be taken of the requirements of new development users.

Policy Q7 – Layout and Design – Industrial and Business Development has as its objective the achievement of a high standard of design and layout of new commercial development.

Policy E14 – Protection of Existing Trees and Hedgerows seeks to safeguard important vegetation on development sites.

Policy E15 – Provision of New Trees and Hedgerows seeks to secure additional planting to soften the impact of new built development wherever possible.

Policy H13 – Residential Areas – Impact upon Character and Amenity has the objective of protecting the levels of amenity those living in residential areas can reasonably expect to enjoy.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority is satisfied that this revised application no longer encroaches onto the adopted highway, and that the level of traffic generation onto the local road network is unlikely to be harmful. Furthermore, the reduction in parking provision is accepted, there considered to be an overprovision at present.

### **INTERNAL RESPONSES**

The City Council's Heritage and Design Manager is satisfied with the building design, level of tree planting and landscaping, and the removal of certain existing trees to accommodate the proposed extension.

### **PUBLIC RESPONSES**

Fifty one standard letters of support have been received from local lidl customers.

Objections to this proposal have been received from four Oatlands Way residents living directly to the east of the application site, and from two Beaver Close residents living to the south.

Main concerns are the potential impact on these properties of an intensification of Lidl activities, particularly for those living to the rear in Oatlands Way. This, it is stated, would result in increased noise and smell from waste disposal and collection, an increase in anti-social behaviour by those with access to the site at night, additional noise from extra car parking spaces created within the existing car park, and have an unacceptable impact on existing mature trees.

Attention is also drawn to inaccuracies in the submission in respect of an earlier neighbour consultation exercise carried out by the applicants, stated distances from nearest residential properties, and car parking levels. There has also been the suggestion that Lidl should have done more to publicise their proposals.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## **PLANNING CONSIDERATIONS**

The key considerations in respect to the acceptability or otherwise of this proposal are whether it will impact harmfully on the local retail hierarchy, result in conditions prejudicial to highway safety, achieve Local Plan design and landscape quality objectives, or lead to a reduction in levels of amenity those living nearby can reasonably expect to enjoy.

Although located close to the Arnison Centre District Shopping Centre, the Lidl store lies outside its boundaries. Consequently, it must be considered an edge of centre location and treated as such in line with the assessment requirements set out in PPS6.

The key tests are a demonstration of need, an assessment of economic impact, sequentiality in terms of the availability of alternative sites within designated shopping centres, conformity with the development plan, and any other material planning considerations.

The applicants argue that there is quantitative expenditure capacity for the proposed additional convenience goods retail floorspace as a result of expenditure growth and the overtrading of existing facilities. They argue further that there is also a qualitative need in order to extend and modernise the existing store, bringing it in line with comparable facilities elsewhere. This, it is said, would help consolidate the role of the Arnison Centre in meeting the needs of those living in the northern and western parts of the city.

No significant retail impact on local shopping centres in the area is anticipated, as the proposed 525sqm gross retail floorspace increase is considered to be modest, and projected turnover is compatible with available expenditure.

No sequentially preferable, suitable and available sites, or vacant buildings, are said to be available. The site is argued as being in a both sustainable and accessible location. While the design is considered to be appropriate to both the site location and the existing building, meeting the aspirations of Local Plan design aspirations.

The City Council's independent retail consultant Dr John England of England and Lyle accepts these conclusions, and is of the view that no harm to the vitality or viability of any local shopping centre is likely to result from this proposal. Accordingly, I must conclude that the objectives of national planning policy as stated in PPS6 would be satisfied, as would the objectives of Local Plan Policies S1A and S9A.

Similarly, based upon the advice of expert consultees, I am satisfied that the local road network can handle safely any additional traffic generated by this proposal, and that parking levels are appropriate, satisfying the objectives of PPG13 and Local Plan Policies T1 and T10; and that the extension design, tree removal to accommodate it, tree retention and additional tree planting meet the objectives of Local Plan Policies Q1, Q7, E14 and E15.

Finally, I turn to neighbour concerns. Whilst it is undeniable that the store will be brought closer to Oatlands Way properties by being extended eastwards, efforts have been made to minimise its impact by hiping the roofline nearest to homes,

reducing the closest extension element to single storey, retaining existing boundary tree planting and adding additional trees. However, the applicants' Design and Access Statement assertion that the extended building will be no closer than 27 metres to a residential property is open to challenge. Measured from the submitted scaled drawings, the distance from the single storey element of the proposed extension, which would be the closest, to such properties would be 23 metres, and in the case of where a rear conservatory has been added to one of the homes in question approximately 20 metres. Nevertheless, this is still an adequate distance between buildings of similar height, particularly as there is mature tree planting between them, and additional tree planting to be carried out.

In terms of additional noise, a car park is being removed from the rear boundary of Oatlands Way, to be replaced by a footpath and additional landscaping. The east elevation wall facing Oatlands Way properties will be blank. I therefore consider it unlikely that additional noise to those living in those properties will result. Similarly, whilst accepting the argument that additional pressure might be put on existing waste disposal facilities by the additional trading space, this would take place as now on the northern edge of the building. I am unaware of any complaints to the City Council's Environmental Health department concerning noise or smell emanating from servicing or waste collection and disposal, but that is the cause of appropriate course of action should this give rise to concern.

I am unaware of any compelling evidence to support the contention that acts of anti social behaviour are likely to result from this proposal.

Accordingly, I consider the objectives of Local Plan Policy H13 to have been fully addressed.

## **CONCLUSION**

I have taken into account all other material issues raised, including the suggestion that inadequate information has been provided to fully assess this proposal, and that the applicants should themselves have carried out more publicity in respect of their proposals, but none alter my conclusion that this is an entirely acceptable proposal that fully addresses the reasons for its earlier withdrawal, and meets the objectives of national and local planning policies relating to retail development.

## **RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance.

Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

4. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
5. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
6. Construction operating hours shall be confined to between 8 00 am and 6 00 pm Monday to Friday, and 9 00 am to 2 00pm Saturdays, with no working on Sundays or Bank Holidays, without the written agreement of the Local Planning Authority for a variation.
7. Details of an acoustic screen to protect those living closeby from waste compactor unit noise shall be agreed in writing with the Local Planning Authority. The agreed screen shall be in place prior to the approved store extension being operational.
8. Details of security fencing and gating relating to the proposed path between the Land Registry and store car park shall be agreed in writing with the Local Planning Authority. Such fencing and gating shall be erected in full accordance with that agreement prior to the approved extension becoming operational.

## **BACKGROUND PAPERS**

Submitted application forms and plans with supporting documents in respect of Design and Access Statement, Planning Statement, and Transport Statement.

PPS1 – Delivering Sustainable Development

PPS 6 – Planning for Town centres

PPG13 - Transport

City of Durham Local Plan 2004

Statutory, internal and public consultee responses and representations.



For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/08/00662/FPA

Lidl Foodstore, Amison Centre, Durham

Comments

Date

05 September 2008

Scale

1:1000

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# **CITY OF DURHAM**

## **DEVELOPMENT CONTROL COMMITTEE 18 September 2008**

### **Reports for Information**



REPORT FOR INFORMATION

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

18<sup>th</sup> September 2008

REPORT OF DIRECTOR OF STRATEGIC SERVICES

Section 106 Agreements

These relate to cash received from developers as part of planning conditions. They are held for application against the provision of community recreation and other facilities and the amounts held relate to:-

	Actual Brought Forward 01/04/08 £	Received in Year £	Applied / Allocated in Year £	To Be Carried Forward 31/03/09 £
S106 Rock Terrace, New Brancepeth	3,645	-	-	3,645
S106 Lowland House	14,985	-	(13,520)	1,465
S106 Kepier Woods	6,480	-	(6,480)	-
S106 Chesterton Homes, Court Lane, Durham	6,075	-	-	6,075
S106 Browns Bus Development, New Brancepeth	8,100	-	-	8,100
S106 Cheserton Homes	6,885	-	-	6,885
S106 Dryburn Hospital	37,405	-	-	37,405
S106 Brancepeth Castle Development	4,455	-	-	4,455
S106 Shepard Homes, Rainton Lodge	(4,860)	-	-	(4,860)
S106 Shepard Homes, Cock of the North	17,010	-	-	17,010
S106 AMEC Millennium Place	50,000	-	(50,000)	-
S106 New Durham Courtyard	7,290	-	-	7,290
S106 Rear of Marshall Terrace	12,960	-	-	12,960
S106 Angerstein Court	4,455	-	-	(4,455)
S106 Gentoo Ventures Ltd.	10,935	-	-	10,935
<b>Totals</b>	<b>205,820</b>	<b>-</b>	<b>(70,000)</b>	<b>135,820</b>

**Recommended:** That the report be noted.



**CITY OF DURHAM**

**DEVELOPMENT CONTROL COMMITTEE**

**18 September 2008**

**REPORT OF THE HEAD OF PLANNING SERVICES**

**1. Notice of Planning / Enforcement Appeals which have been lodged with the City Council**

**a) Appeal by Mr D Brown, Mr D Hird and Mr R Young  
Site at 2, 3 and 4 Auton Close, Bearpark, Durham, DH7 7BJ**

Appeals have been lodged against the Council's issuing of Enforcement Notices in respect of the change of use of field to private gardens at 2, 3 and 4 Auton Close, Bearpark, Durham, DH7 7BJ.

The appeals are to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

**Recommendation**

That the report be noted.

**b) Appeals by Mr C Moulden  
Site at land at Cheveley Park Shopping Centre, Belmont, Durham, DH1 2AA**

An appeal has been lodged by Mr C Moulden against the Council's refusal to grant planning permission for the erection of two storey extension to existing building to provide retail unit (Class A1) at ground floor and 4 no. apartments at first floor at land at Cheveley Park Shopping Centre, Belmont, Durham, DH1 2AA.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

**Recommendation**

That the report be noted.

**c) Appeal by Mr G Maw  
Site at Coalford Lane Farm, Littleton, Durham, DH6 1RD**

An appeal has been lodged by Mr G Maw against the Council's refusal to grant planning permission for the retention of ancillary buildings comprising domestic three car garage, offices and residential accommodation at Coalford Lane Farm, Littleton, Durham, DH6 1RD.

The appeal is to be dealt with by way of a Public Inquiry and the Committee will be advised of the outcome in due course.

**Recommendation:**

That the report be noted.

**2. Planning Applications determined under Plenary Powers**

Attached in Appendix (A) are the lists of applications and conditions where decisions have been made under Plenary Powers since the previous Committee.

**3. Building Control Applications determined under Plenary Powers**

Attached in Appendix (B) are the lists of applications where decisions have been made under Plenary Powers. I have also listed the building notices received.



**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 28 July 2008**

1. The following applications were **REFUSED**.

Number and Applicant	Location	Proposal
*08/00464/FPA G Robinson	22 Church Street Durham DH1 3DQ	Erection of two storey pitched roof extension to rear of existing dwelling (revised and resubmitted)
08/00504/FPA Mr M Robinson	43 Luke Avenue Cassop Durham DH6 4RD	Erection of two storey pitched roof extension to front/side of existing dwelling and erection of porch to front
08/00530/FPA Mr E Pratt	37 Bogma Avenue Coxhoe Durham DH6 4EW	Erection of two storey pitched roof extension to side of existing dwelling with re-erection of detached garage to side
*08/00545/FPA Town And City Pub Group	Coach And Eight North Road Durham DH1 4PW	Erection of 3 no. vaulted canopies to front of existing public house

2. The following applications were **APPROVED**.

Number and Applicant	Location	Proposal
08/00187/TPO Mr L Davies	Station House Wolsingham Road Brancepeth Durham DH7 8DL	Crown shaping of 2 no. Sycamore trees to side of existing dwelling by maximum of 3m to the top and 2m to the side as well as crown thin of 15% (Revised Description)
08/00194/FPA Mr J Wallace	1 Mavin Street Durham DH1 3AU	Erection of two storey pitched roof extension to rear elevation of existing dwelling

<p>08/00203/CAC Mr J Wallace</p>	<p>1 Mavin Street Durham DH1 3AU</p>	<p>Partial demolition of rear yard wall in association with erection of two storey pitched roof extension to rear elevation of existing dwelling</p>
<p>08/00335/LB Mr M Trees</p>	<p>33 And 34 South Street Durham DH1 4QP</p>	<p>Renewal of existing dormer to front elevation and insertion of rooflight to rear of No. 34, re-roofing works, insertion of external door and minor internal alterations to both dwellings in association with conversion to form one property</p>
<p>08/00336/VOC Standard Life Investments</p>	<p>Dragon Lane Retail Park Dragon Lane/Damson Way Durham</p>	<p>Variation of condition 6 of 4/03/00352 to increase permitted retail floorspace to 12,314sqm</p>
<p>08/00338/RM Standard Life Investments</p>	<p>Dragon Lane Retail Park Dragon Lane/Damson Way Durham</p>	<p>Reserved matters application pursuant to 4/03/00352 for the erection of retail park including details of siting, design and external appearance, and landscaping</p>
<p>08/00340/RM Standard Life Investments</p>	<p>Dragon Lane Retail Park Dragon Lane/Damson Way Durham</p>	<p>Reserved matters application pursuant to 4/03/00352 for the erection of fast food restaurant including details of design and external appearance, and siting</p>
<p>08/00341/FPA Mr And Mrs J Hunter</p>	<p>Arbour House Farm Crossgate Moor Durham DH1 4TQ</p>	<p>Demolition of 2 no. modern redundant agricultural sheds in association with change of use and conversion of redundant agricultural buildings to form 3 no. dwellings including erection of open-fronted garage block</p>

08/00384/FPA Northern Property UK Ltd	1 High View Ushaw Moor Durham DH7 7QQ	Change of use and conversion of existing shop to 1 no. residential dwelling
08/00400/FPA Durham University	St Marys College Williamson Building Elvet Hill Road Durham DH1 3LR	Re-roofing works to main front and side parts of existing building
08/00424/FPA Mr M Holmes	Lord Boyne Hotel 6 High Street North Langley Moor Durham DH7 8JG	Erection of smoking shelter (revised and resubmitted)
08/00430/FPA C Bennett	32 South Street Durham DH1 4QP	Erection of detached garden room and store at rear of existing dwelling
08/00433/FPA Mr T Spence	25 Victoria Avenue Brandon Durham DH7 8QH	Erection of conservatory to rear elevation of existing dwelling and detached pitched roof garage at rear
08/00437/FPA Mr J Quanzhong	57 David Terrace Bowburn Durham DH6 5EF	Erection of two storey pitched roof extension to side of existing dwelling
*08/00452/FPA Mr T Bankhead	32 Rogerson Terrace Croxdale Durham DH6 5HJ	Retention of timber shed, erection of decking and erection of 1.8m high fence to sides and 1.5m high gates to rear of existing dwelling
08/00453/LB Mr J Luckin	66 Gilesgate Durham DH1 1HY	Demolition of existing rear extension and replacement with single storey flat and pitched roof extension
08/00465/FPA Mr P Atkinson	117 Priors Grange High Pittington Durham DH6 1DF	Erection of single storey pitched roof extension to side of existing dwelling

08/00472/FPA Mr P Wong	Unit 22J Dragonville Durham DH1 2XQ	Change of use of industrial unit to A5 hot food take away (retrospective)
08/00478/FPA Mr C Lowe	2 Back Mount Joy Durham DH1 3AZ	Erection of single storey pitched roof extension to rear of existing dwelling
*08/00484/FPA Mr P Seed	27 Goodwell Lea Brancepeth Durham DH7 8EN	Erection of two storey pitched roof extension to front and side of existing dwelling and erection of single storey extension to rear
08/00499/FPA Mr M Rafferty	14 Lund Avenue Framwellgate Moor Durham DH1 5BJ	Erection of single storey pitched roof extension to rear of existing dwelling
08/00500/FPA Mr R Freeley	55 South Street Durham DH1 4QP	Proposed internal alterations and new single storey breakfast room extension to the rear of the property
08/00501/LB Mr R Freeley	55 South Street Durham DH1 4QP	Proposed internal alterations and new single storey breakfast room extension to the rear of the property
08/00503/FPA Mr D Lawton	High Ground Moor Edge Crossgate Moor Durham DH1 4HT	Erection of pitched roof double detached garage to front of dwelling and conversion of existing garage to habitable room
08/00506/FPA Mr N Hands	First Floor 1-6 Empire Buildings Gilesgate Durham DH1 2JL	Change of use from nursery to fitness centre/gymnasium
08/00508/FPA Mr K Atkinson	Austin House Old Station Yard Langley Park Durham DH7 9TL	Erection of pitched roof and water-tabling atop existing flat roof, balcony and guard-rail on rear elevation and sandstone chimney above existing main gable roof

08/00511/FPA Mr Toghill	Priory Cottage Finchale Avenue Brasside Durham DH1 5SD	Partial conversion of existing detached garage to form habitable room in association with single storey pitched roof extension to side elevation of existing dwelling (revised and resubmitted)
08/00512/FPA Hope Estates Ltd	28 May Street Durham DH1 4EN	Demolition of single storey extension to rear and erection of two and single storey pitched roof extensions
08/00513/CAC Hope Estates Ltd	28 May Street Durham DH1 4EN	Demolition of single storey extension to rear in association with proposed erection of two and single storey pitched roof extensions
08/00515/FPA Mr S Przyborski	3 Foxton Way High Shincliffe Durham DH1 2PJ	Erection of single storey pitched roof extension to front of existing dwelling
08/00519/FPA Mr A Shires	Kiltsholme Park View Witton Gilbert Durham DH7 6TH	Erection of single storey pitched roof covered area and balcony to front, single storey pitched roof extension to rear, erection of 1.8m wall/fence to side of existing dwelling and creation of a walled barbecue area.
08/00522/FPA Mandale Commercial Ltd	Bourne House Mandale Park Belmont Durham DH1 1TH	Change of use from office (Class B1) to form a dentist training facility (Class D1)
*08/00525/FPA Mrs C Brown	7 Durham Road West Bowburn Durham DH6 5AU	Erection of two storey pitched roof extension and glazed porch extension to rear of existing dwelling

08/00526/FPA Hope Estates	6 Lawson Terrace Durham DH1 4EW	Demolition of single storey offshot and outhouse and erection of two storey pitched roof and single storey pitched roof extensions to rear of existing dwelling
08/00527/CAC Hope Estates	6 Lawson Terrace Durham DH1 4EW	Demolition of single storey offshot and outhouse in association with erection of two storey pitched roof and single storey pitched roof extensions to rear of existing dwelling (amended description)
08/00532/FPA Mr Bradshaw	32 Finchale Avenue Brasside Durham DH1 5SD	Erection of two storey extensions to side and rear, with single storey pitched roof garage attached to side of existing dwelling
08/00533/FPA Mrs L March	38 Priors Grange High Pitington Durham DH6 1DA	Erection of detached garage to front of existing dwelling
08/00534/FPA Mr And Mrs Anderson	7 Lexington Court Brandon Durham DH7 8UD	Erection of single storey pitched roof extension to rear of existing dwelling
08/00544/FPA Durham Villages Regeneration	Tail-Upon-End Lane Bowburn Durham	Erection of semi-detached two storey dwelling house with attached garage (substitution from a 763 house type on a scheme approved by application 4/07/311 to a 836 house type)
08/00557/FPA Haslam Homes (North East)	Land At Finchale View West Rainton Durham	Erection of 1 no. semi-detached, two storey dwelling house (as substitution from house type 763 to type 836 on planning approval 4/07/360)

08/00581/AD  
CWS Retail Financial  
Services

Co-op Food  
Carr House Drive  
Newton Hall  
Durham  
DH1 5LT

Erection and display of 3 no.  
internally illuminated fascia  
signs to front elevation and  
1 no. non-illuminated menu  
board to entrance

08/00613/TPO  
Stray Aid Ltd

East Pasture Farm  
Cornforth Lane  
Coxhoe  
Durham  
DH6 4EL

Felling of 1 no. Ash tree

\* Determined under Chairman and Vice Chairman Delegated Authority

For full details of conditions attached to approvals or reasons for refusal please consult individual applications via the website [www.durhamcity.gov.uk/Planning/](http://www.durhamcity.gov.uk/Planning/) .





**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 15 August 2008**

1. The following applications were **REFUSED**.

Number and Applicant	Location	Proposal
*08/00406/FPA Mr S P Chivers	51 Norburn Park Witton Gilbert Durham DH7 6SG	Retention of 1 metre high timber fence to front of existing dwelling
08/00554/FPA Mr T Belsey	Briarside South Street West Rainton Durham DH4 6PA	Erection of two storey pitched roof extension to side of existing dwelling
*08/00559/FPA Mr N Swift	23 Church Street Durham DH1 3DQ	Erection of two-storey pitched roof extension to rear of existing dwelling
08/00564/FPA Mr M Brown	13 Witton Grove Framwellgate Moor Durham DH1 5AB	Erection of two storey pitched roof extension to side, and single storey pitched roof extensions to front and rear of existing dwelling
*08/00566/FPA Mr J Kelly	11 Peterborough Road Newton Hall Durham DH1 5QX	Erection of two storey pitched roof extension to side incorporating balcony, and single storey pitched roof extension to rear of existing dwelling
08/00584/FPA Magnet Group	Unit 4 Rennys Lane New Durham Durham DH1 2RS	Change of use from storage and distribution (Class B8) to storage and distribution (Class B8) with showroom and trade counter

2. The following applications were **APPROVED**.

Number and Applicant	Location	Proposal
08/00157/LB 3R Land And Property Ltd	3 North Bailey Durham DH1 3ET	Physical alterations to create new bedsit accommodation within listed building
08/00190/FPA Mr And Mrs Ho	Century Chinese Takeaway 45 North Road Durham DH1 4RX	Change of use and conversion of existing hot food takeaway with flat above to single dwellinghouse including re-instatement of windows to front, side and rear elevations
08/00214/FPA County Durham And Darlington Acute Hospitals NHS Trust	University Hospital Of North Durham North Road Durham DH1 5TW	Erection of single storey flat roofed building adjacent to ward 16 for temporary period of two years during ongoing construction/refurbishment works
*08/00218/FPA Mr A Harker	23 Rosedale Road Belmont Durham DH1 2AS	Erection of two storey pitched roof extension to side and rear, single storey pitched roof extensions to rear, single storey extension to front of existing dwelling and detached garage to rear
08/00332/FPA Mr And Mrs Walker	8 Pinders Way Sherburn Hill Durham DH6 1QJ	Erection of conservatory to rear elevation of existing dwelling
08/00377/FPA Mrs M Punchin	16 Aykley Road Framwellgate Moor Durham DH1 5JJ	Change of use of public open space to garden land, erection of attached single storey pitched roof garage with integral porch to side of existing dwelling

08/00402/AD Coxhoe Parish Council	Highway Verge Opposite 5-9 Bridge End/ Highway Verge At Junction Of Station Road And The A177 Verge Opposite Avenue Farm On B6291/ Highway Verge Of Cornforth Lane, North Of Mill House	Erection of 4 no. decorative village entrance signs
08/00414/FPA Mr L Middleton	Mountjoy Boiler House Yard Durham University Science Site Stockton Road Durham DH1 3LF	Siting of temporary portacabin and containers in association with ongoing site works until end 2010
08/00427/FPA Mr And Mrs Garnett	6 Burn Hall Durham DH1 3SR	External alterations to existing garage to form study and store
*08/00434/FPA Mr T Bennett	1 Peterborough Road Newton Hall Durham DH1 5QX	Erection of two storey pitched roof extension to side of existing dwelling, porch and garage extension to front, conservatory to rear, 1.7m high fence to rear, 1.5m high fence to side and 1m high fence to front/side (Revised Description)
08/00471/FPA Durham University	Ustinov College Howlands Farm South Road Durham DH1 3DE	Siting of timber clad office building for temporary period of three years
08/00476/FPA Mrs L Neil	18 Bolton Close Newton Hall Durham DH1 5PH	Erection of first floor pitched roof extension to side, pitched roof atop existing ground floor projection to front and conversion of garage to habitable room (revised and resubmitted)
08/00486/FPA Mr R Brown	Land At Edwardson Road Meadowfield Durham DH7 8RL	Retention of existing coach building and erection of pitched roof extension to rear of building

*08/00491/FPA Ushaw Moor Catholic Club Ltd	Ushaw Moor Catholic Club Durham Road Ushaw Moor Durham DH7 7LF	Erection of smoking shelter to south elevation of existing building
08/00494/FPA British Telecommunications Plc	Durham Telephone Exchange Providence Row Durham DH1 1RR	Erection of replacement access ramp to front of existing building
08/00507/AD Next Retail Ltd	Next Unit F Arnison Retail Centre Pity Me Durham DH1 5GB	Erection and display of 2 no. internally illuminated replacement advertisements to front elevation of existing building
08/00510/FPA Mrs Yun-Tse	10 Station Road Ushaw Moor Durham DH7 7PX	Erection of extraction system and flue to rear of hot food take-away
08/00517/FPA Mr Childs	11 Larches Road Durham DH1 4NL	Erection of two storey pitched roof extensions to side and single storey pitched roof extension to front of existing dwelling
*08/00521/FPA Mr P Armstrong	Land At Duncruachan House Bells Folly Durham DH1 3RR	Erection of dwellinghouse
08/00528/FPA J Pearson	9 St Giles Close Gilesgate Durham DH1 1XH	Erection of conservatory to rear elevation of existing dwelling
08/00531/FPA Mr W Meikle	107B High Street Carrville Durham DH1 1BQ	Change of use of shop to residential dwelling including erection of two storey extension to rear, canopy roof to front and alterations to openings on front and side of existing building

08/00535/FPA Mr J Geary	9 Front Street Witton Gilbert Durham DH7 6SY	Erection of two storey pitched roof extension to rear of existing dwelling
08/00536/FPA Mr D Hewitson	Avenue House 5 Blackgate East Coxhoe Durham DH6 4AL	Insertion of access gates with pillars to 2m in height to rear of existing dwelling
08/00539/CAC Mr Hossain Rezaei	2 Riverside Lodge Burn Hall Durham DH1 3SS	Demolition of existing detached garage
08/00540/LB St John's College	23 North Bailey Durham DH1 3EW	Reroofing of 23 North Bailey
08/00543/FPA Mr S Flower	11 Winchester Road Newton Hall Durham DH1 5QU	Erection of conservatory to rear elevation of existing dwelling
08/00547/FPA Ramside Estates Ltd	Ramside Hall Hotel Carrville Durham DH1 1TD	Proposed removal of existing polycarbonate roof from existing conservatory and installation of new slate roof with 9 no. roof lights
08/00549/FPA Mrs H Stephenson	43 Broomside Lane Durham DH1 2QT	Erection of single storey pitched roof extension to rear of existing dwelling
08/00551/FPA Mr D Bowell	Grenville House The Avenue Coxhoe Durham DH6 4AH	Widening of existing vehicular access and pitched roof to existing flat roof to front of existing dwelling
08/00552/FPA H M Land Registry	H M Land Registry Southfield House Southfield Way Durham DH1 5TR	Erection of 10 no. roof mounted 1.4m high suncatchers to roof of existing building

08/00556/FPA Dr M Grimwood	9 Ellam Avenue Durham DH1 4PG	Erection of single storey pitched roof extension to side/rear of existing dwelling and erection of pitched roof dormers to side and rear elevations
08/00558/FPA Mr M Bower	16 George Street Sherburn Village Durham DH6 1DJ	Erection of two storey pitched roof extensions to side and rear of existing dwelling with covered decking beyond and detached single garage to rear (revised and resubmitted)
08/00560/FPA Ms H Attewell	80 Hastings Avenue Durham DH1 3QQ	Erection of two storey pitched roof extension to side of existing dwelling
08/00561/FPA Prof R Harris	29 Westhouse Avenue Nevilles Cross Durham DH1 4FH	Erection of 1.7m high brick wall to side of existing dwelling
08/00562/FPA Mr J Lane	35 St Cuthberts View Finchale Abbey Durham DH1 5FY	Change of use from park home to mixed use of park home and taxi operators premises
08/00572/FPA Mr M Stranger	95 High Street Carrville Durham DH1 1BG	Erection of first floor pitched roof extension above existing retail unit, with change of use to create new two storey dwelling house
*08/00573/FPA Mr A Gates	10 Oatlands Way Pity Me Durham DH1 5GL	Erection of full width single storey extension to rear of existing dwelling
*08/00574/FPA Miss A Crawford	50 South Terrace Esh Winning Durham DH7 9PS	Erection of conservatory to front and conservatory to rear of existing dwelling
08/00578/FPA Mr K Minto	16 Castle View Ushaw Moor Durham DH7 7NT	Erection of detached double garage to rear of existing dwelling

08/00579/FPA Dr J Mettayil	125 Canterbury Road Durham DH1 5NF	Erection of two storey pitched roof extension to side of existing dwelling and single storey pitched roof extension to front
08/00583/FPA Mr D Cooper	59 Priors Grange High Pittington Durham DH6 1DA	Erection of two storey pitched roof extension to side and rear, single storey pitched roof extension to rear, and infilling of existing open porch to front of existing dwelling (revised and resubmitted)
08/00588/TPO Dr Lorimer	The Sycamores 5 Almoners Barn Durham DH1 3TZ	Crown clean and removal of deadwood from 1 no. sycamore tree
08/00592/FPA Mr K Davidson	5 Front Street Sherburn Durham DH6 1HA	Demolition of existing single storey extension and erection of enlarged pitched roof single storey rear extension
*08/00599/FPA Mr W Wright	Nevilles Cross Social Club Nevilles Cross Bank Durham DH1 4PJ	Siting of smoking shelter to front of existing social club
08/00600/FPA Mrs C Burton	13 High Carr Road Framwellgate Moor Durham DH1 5AT	Erection of extension to existing flat roof dormer to rear of existing dwelling
08/00607/FPA Mr I Parkinson	15 Gloucestershire Drive Belmont Durham DH1 2DH	Erection of two storey pitched roof extension to side and single storey pitched roof extension to rear of existing dwelling (revised and resubmitted)
08/00609/FPA Dr L Clark	8 Pilgrims Way Gilesgate Durham DH1 1HB	Erection of single storey glazed extension to rear of existing dwelling

08/00621/FPA Mr And Mrs Pinkney	14 Carrsdale Carrville Durham DH1 1BD	Retrospective application for conservatory to rear elevation, flat roof outbuilding to side and timber shed to front of existing dwelling
08/00639/FPA Mr R Lupton	11 Browning Hill Coxhoe Durham DH6 4HB	Erection of conservatory to side elevation of existing dwelling

3. Raise no objection to the County Matter listed below.

Number and Applicant	Location	Proposal
08/00636/CM Northumbrian Water Ltd	White House Farm Pit House Lane Leamside Houghton Le Spring Tyne And Wear DH4 6QJ	Proposed provision of 3 no. access tracks to provide maintenance access
08/00673/CM Northumbrian Water Ltd	Kelloe Sewage Treatment Works Kelloe Durham	Erection of kiosk to house control equipment

\* Determined under Chairman and Vice Chairman Delegated Authority

For full details of conditions attached to approvals or reasons for refusal please consult individual applications via the website [www.durhamcity.gov.uk/Planning/](http://www.durhamcity.gov.uk/Planning/) .



**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 26 August 2008**

1. The following applications were **REFUSED**.

Number and Applicant	Location	Proposal
*08/00537/FPA Mr A Hamilton	93 Deerness Heights Brandon Durham DH7 8TY	Erection of 1m high timber fence to front and side and 1.8m high to side/rear of existing dwelling
08/00577/FPA Mr M And M Paterson	Morton Acres Farm Black Boy Road Chilton Moor Durham DH4 6PY	Erection of agricultural workers dwelling comprising two storey detached property
08/00610/LB Durham Market Company	Durham Market Hall Market Place Durham DH1 3NW	Extension of existing mezzanine level inside Durham Market Hall

2. The following applications were **APPROVED**.

Number and Applicant	Location	Proposal
08/00146/LB Mr And Mrs P Lowden	Castle Lodge The Village Brancepeth Durham DH7 8DE	Partial demolition of outbuildings and formation of new opening with erection of single storey pitched roof extension to side of existing dwelling, erection of shed and erection of new pedestrian gate
08/00407/FPA Mr J Adams	Former Reeve Transport Services Front Street North Quarrington Hill Durham DH6 4QG	Change of use of existing Haulage/Coach Depot/Workshop to vehicular service and repair centre/MOT station/garage, including details of siting of steel storage container
08/00466/FPA Mr A Newman	10 Allendale Road Meadowfield Durham DH7 8XG	Erection of pitched roof domestic garage at rear of existing dwelling

08/00498/FPA Mr G Mason	9 Bamburgh Road Newton Hall Durham DH1 5NW	Erection of single storey pitched roof extensions to front, side and rear of existing dwelling (resubmission)
*08/00524/FPA Mr P Duke	10 Shaw Wood Close Durham DH1 4LZ	Partial demolition of existing garage and erection of two storey pitched roof extension to side/rear of existing dwelling and erection of porch to front elevation
08/00548/LB Ramside Estates Ltd	Ramside Hall Hotel Carrville Durham DH1 1TD	Proposed removal of polycarbonate roof from existing conservatory, and installation of new slate roof with 9 no. rooflights. Internal alterations consisting of removal of walls and doors between conservatory and adjacent Beaumont Suite/Hatfield Suite/Neville Suite with replacement by erection of sliding folding doors
08/00571/FPA Mr A J Snaith	Land North Of Copthorne Wear View Durham DH1 1LW	Erection of 1 no. two storey detached dwellinghouse (revised and re-submitted)
08/00576/FPA The Co-Operative Group	The Co-Op 38 Canterbury Road Newton Hall Durham DH1 5PY	Erection of access ramp and handrail and entrance doors to front elevation, and new louvres to replace existing bin store area with plant room, to rear of existing retail unit
08/00582/TPO Mr S Whillans	Houghall College Houghall Durham DH1 3SG	Tree works consisting crown reduction of 6 no. trees and felling of 6 no. trees to provide clearance to power cables
08/00597/FPA Mr R Herbert	17 Park House Road Durham DH1 3QF	Erection of single storey flat roof extension to rear of existing dwelling

08/00601/FPA Mr N Simpson	Land At Luke Avenue Cassop Durham DH6 4RD	Erection of detached two storey pitched roof dwellinghouse and detached garage (revised and resubmitted)
08/00605/FPA Mr G Robinson	46 Hastings Avenue Durham DH1 3QQ	Erection of one and two storey extensions to front, and pitched roof atop existing two storey flat roofed extension to rear, of existing dwelling
08/00621/FPA Mr And Mrs Pinkney	14 Carrsdale Carrville Durham DH1 1BD	Retrospective application for conservatory to rear elevation, flat roof outbuilding to side and timber shed to front of existing dwelling
08/00628/FPA Mr R Kirton-Darling	Laverick Hall Charlaw Fell Witton Gilbert Durham DH7 6TT	Erection of single storey pitched roof extension to east elevation of existing dwelling
08/00633/FPA Mr And Mrs Matthews	1 Lady Durham Close Sherburn Durham DH6 1RW	Erection of single storey pitched roof extension to side and rear of existing dwelling
*08/00634/FPA Miss J D Frayne	28 Hillside View Sherburn Durham DH6 1DZ	Change of use of existing dwelling to mixed use as dwelling and dog grooming business

3. Prior Notification not required for the application listed below.

Number and Applicant	Location	Proposal
08/00616/PNT Openreach	Public Highway Footpath Opposite No. 5 Ravensworth Terrace Durham DH1 1QP	Prior notification for siting of 1 no. 9m high telegraph pole

\* Determined under Chairman and Vice Chairmen Delegated Authority

For full details of conditions attached to approvals or reasons for refusal please consult individual applications via the website [www.durhamcity.gov.uk/Planning/](http://www.durhamcity.gov.uk/Planning/).



## List of Approvals

From 23/07/2008 to 04/09/2008

Number and Applicant	Location	Proposal
08/00380/DEX Mr R Guarnaccio	14 Summerville Durham City DH1 4QH	Kitchen Extension
08/00761/DEX Mr R Chwieseni	Virginia House Wallnook Lane Langley Park Durham DH7 9TW	Double Storey Extension
08/00774/DEX The Co-operative Group	Co-op 38 Canterbury Road Newton Hall Durham DH1 5PY	Internal Works
08/00909/OTHC Durham University	St Aidans College Windmill Hill Durham DH1 3LJ	Internal Alterations to existing building and extension
08/00930/DEX Mrs C Burton	13 High Carr Road Framwellgate Moor Durham DH1 5AT	Dormer Roof Extension to form bathroom
08/01070/OTHC Mrs NMcIntyre, C/o	Finchale Banks Farm Cocken Road Finchale Durham DH4 6QP	Conversion of derelict farm outbuilding into commercial premises
08/02400/OTHC Co-operative	North Eastern Co Operative Society Ltd Lowland Road Brandon Durham DH7 8LL	Internal Alterations
08/03067/PARTNR Gregory Bird (Builidng	Ebchester Primary School Ebchester Co Durham DH8 OQB	Replace main entrance door (non auto) and replace rear entrance porch area
08/03079/DEX Lilian Cochrane	5 Laurel Avenue Sherburn Road Estate Durham DH1 2EY	Proposed sun room extension

Number and Applicant	Location	Proposal
08/03084/OTHC Ramside Estates Ltd	Ramside Hall Hotel Carrville Durham DH1 1TD	Removal of polycarbonate roof, replacing with slate roof, installation of new sliding folding screens
08/03334/OTHC Alan Colbridge	County Hall Aykley Heads Durham DH1 5UL	Refurbishment of Restaurant Area
08/03335/DEX Hope Estates Ltd	6 Lawson Terrace Durham City DH1 4EW	Single storey & two storey extension to rear and loft conversion
08/03336/PARTNR Durham County Council	Stephenson Way Primary School Stephenson Way Newton Aycliffe Co Durham DL5 7DD	External Paving Ramps & Landings, Automatic Sliding Doors & Accessible Toilet
08/03337/DOM Haslam Homes (North	Land At Finchale View West Rainton Durham	56 New Residential Dwellings
08/03339/DEX Mr T Wilkinson	5 Pine View Villas Esh Winning Durham DH7 9PW	New bay window extension to front of property
08/03340/PARTNR Durham County Council	Horden Nursery School Cotsford Park Horden Peterlee DR7 UTB	Kitchen Alterations
08/03342/DEX Hope Estates Ltd	19 Whinney Hill Durham City DH1 3BE	Single Storey Rear Extension
08/03347/PARTNR Mr R Atkinson	5 Holmlands Park Chester-le-Street Co Durham DH3 3PJ	Loft Conversion
08/03349/PARTNR Durham County Council	Tanfield Lea Primary School Tanfield Lea Co Durham DH9 9LU	Kitchen Ventilation Upgrade and 2 Proposed Access Lifts

Number and Applicant	Location	Proposal
08/03353/OTHC Brambledown Landscapes	Poplar Tree Garden Centre Hall Lane Shincliffe Durham DH1 2NG	Proposed extension to existing cafeteria
08/03357/OTHC Maureen Dewell	Durham Sixth Form Centre The Sands Durham DH1 1SG	Proposed refurbishment of gym building within Durham Sixth Form
08/03358/PARTNR Mr D Green	18 Murray Park Stanley Co Durham DH9 OPN	Garage Conversion
08/03359/PARTNR Durham County Council	Greenfield Community And Arts College Greenfield Way Newton Aycliffe Co Durham DLS 7LF	Internal Alterations including installation of 2no platform lifts and extension to provide Physio Room
08/03384/DEX Mr B C Kataký	Land At The Cottage Whinney Hill Durham City DH1 3BE	Erection of a 2 storey dwelling house
08/03489/DEX Alan Punchin	16 Aykley Road Framwellgate Moor Durham DH1 5JJ	Proposed erection of attached garage and front porch
08/03491/DEX Mr & Mrs D Kennedy	1 Hatfield Close Framwellgate Moor Durham DH1 5FD	Fiirst floor extension to bedroom, internal alterations to kitchen
08/03492/OTHC William Hill Organisation	31 Front Street Framwellgate Moor Durham DH1 5EE	Internal Alterations/New Shop Front/Refurbishment
08/03493/DEX Mr Errington	10 Buckinghamshire Road Belmont Durham DH1 2BD	Bedroom and ensuite
08/03494/DEX Dr Llewelin	Land To Rear Of Robson Terrace Shincliffe Durham DH1 2NL	Garage, workshop and

Number and Applicant	Location	Proposal
08/03496/PARTNR Mr Richardson	226 Benfieldside Road Shotley Bridge Consett Co Durham	Sun Room
08/03497/PARTNR Mr Whitfield	6 Langdale Birtley Co Durham	Kitchen, garage, utility room, bedroom and ensuite extension
08/03499/DEX D Holmes	27 Winchester Road Newton Hall Durham DH1 5QU	Enlarge Kitchen and Garage
08/03501/DEX Christine Brown	7 Durham Road West Bowburn Durham DH6 5AU	Enlargement of ground floor kitchen, construction of first floor bathroom and associated work
08/03502/PARTNR Lynn Brooks	8 North End Gardens Bishop Auckland Co Durham DL14 6EE	2 Storey Extension to side of property to provide a garage and utility room to the ground floor with a bedroom and ensuite bathroom to the first
08/03503/DEX Mr A Shires	Kiltsholme Park View Witton Gilbert Durham DH7 6TH	Ground Floor rear extension/altrations to front roof
08/03506/PARTNR Burgess Hyder Dental	Dental Health Centre Durham Road Ferryhill Co Durham DL17 8LG	Surgery Extension
08/03507/OTHDOM Mr E Clark	14 Hawthorn Terrace Durham City DH1 4EL	Internal alterations and refurbishments, attic conversion and additional dormer window front and rear
08/03512/PARTNR Mr M Briscoe	41 Elmway Hilda Park Chester-Le-Street Co Durham DH2 2LE	Garage conversion with bedroom above and pitched roof
08/03516/DEX Mr R & Mrs L Anderson	7 Lexington Court Brandon Durham DH7 8UD	Proposed Rear Sun Room (Ground)



Number and Applicant	Location	Proposal
08/03532/DEX Stephen Lambert	33 Coppice Hill Esh Winning Durham DH7 9QQ	Single Storey Extension
08/03534/DEX Mr P Seed	27 Goodwell Lea Brancepeth Durham DH7 8EN	Two Storey Extension
08/03542/DEX Mr & Mrs Scorer	36 Red Hills Lane Durham City DH1 4AW	Two storey extension to both sides and rear of existing dwelling
08/03543/OTHDOM Mr D Horner	23 St Monicas Grove Durham City Durham DH1 4AS	Internal alterations at ground floor, new windows and doors to rear and additional window to new utility room
08/03547/DEX Mr Freely	55 South Street Durham City Durham DH1 4QP	Kitchen Extension and Internal Alterations
08/03552/DRO Mr Robinson	16 Station View Esh Winning Durham DH7 9HR	Attic Conversion
08/03553/DRO Miss Carter	7 Lincolnshire Close Belmont Durham DH1 2BP	Attic Conversion
08/03554/DEX Mrs Lydon	17 Rochester Road Newton Hall Durham DH1 5PW	Sun Room, W.C Extension, Pitched Roof to front elevation
08/03555/DEX Mr Stokes	12 Baliol Square Durham City DH1 3QH	Kitchen, Shower Room Extension, Tiled Roof
08/03556/DEX Mr O Connor	Pine Lodge Lea Rigg West Rainton Durham DH4 6SR	Kitchen Extension
08/03557/DGA Mr Siddale	92 Brookside Witton Gilbert Durham DH7 6RU	Garage Extension and internal alterations

Number and Applicant	Location	Proposal
08/03558/PARTNR Mr Pattinson	7 Killhope Grove Bishop Auckland County Durham DL14 DSG	Sun Room Extension
08/03562/OTHDOM Mr Knapton	27 Alexandra Close Framwellgate Moor Durham DH1 5ED	Reduce garage in size and construct larger store
08/03566/DIS Mr & Mrs Turner	5 Peterborough Road Newton Hall Durham DH1 5QX	Extension of ground floor utility room to provide wc

# Building Notices

Between 23/07/2008 and 04/09/2008

## Number of cavity wall insulation applications 31

Number and Applicant	Location	Proposal
08/00925/OTHDBN Jeffrey Wilson	15 Hylton Road Newton Hall Durham DH1 5LS	Fire door connecting garage to utility room
08/02221/OTHDBN Neil Proctor -Lighthouse Developments	27 Durham Road Ushaw Moor Durham DH7 7LF	Various works - install staircase, re-lay floor, minor alterations to drainage, re-wire, re-heat
08/03338/OTHDBN Mrs S S Thumati	19 Douglas Gardens Merryoaks Durham DH1 3PT	Demolition of wall between kitchen & dining room and install new support
08/03343/GLAZBN Mr & Mrs Richardson	14 Meldon Avenue Sherburn Durham DH6 1JX	Replacement windows and doors
08/03344/OTHDBN Prof Alan Bilsborough	1 Potters Close Nevilles Cross Durham DH1 3UB	Modification of garage doors - two single doors to be replaced with one double garage door
08/03345/OTHDBN Paul Whiteman	7 Highgate Durham City DH1 4GA	Making an (already existing) room slightly larger
08/03348/DEXBN Miss Nicola Bowden	63 Woodland View West Rainton Durham DH4 6RH	Single storey pitched roof extension
08/03351/ELECBN Sean Denholm	44 Luke Avenue Cassop Durham DH6 4RD	Installation of electric shower in bathroom and 3 sockets in
08/03352/OTHDBN Mr & Mrs Cox	4 Priestburn Close Esh Winning Durham DH7 9NF	Garage conversion to form part of kitchen
08/03354/OTHDBN Northumbrian Water Ltd	79 Hallgarth Street Durham DH1 3AY	Permanent Disconnection of Basement Drain and Replace with Submersible Pump

Number and Applicant	Location	Proposal
08/03356/DEXBN Quanzhong Jiang	57 David Terrace Bowburn Durham DH6 5EF	2 Storey Side Extension
08/03362/DEXBN Mr A Sedgewick	22 Arundel Way Meadowfield Durham DH7 8UT	Erection of two single storey pitched roof extensions to side elevation of existing dwelling
08/03364/OTHDBN Dr Jane M Noble	19 - 20 Quarryheads Lane Durham DH1 3DY	Break through in alcoves and insert 2 new doorways between 19 and 20 Quarryheads Lane.
08/03488/OTHDBN Peter Winters	21 Raby Road Newton Hall Durham DH1 5NJ	New Concrete Floors, new UPVC windows
08/03490/GLAZBN Mr & Mrs Marsden	3 Millbank Court Durham DH1 4TP	Replace Existing Window to ground floor front elevation left of door
08/03495/OTHDBN Mr D Sykes	23 Leesfield Gardens Meadowfield Durham DH7 8NQ	Lifting existing roof
08/03498/OTHDBN Alan Peat	9 The Cedars Coxhoe Durham DH6 4SG	Garage Conversion
08/03500/OTHDBN John A Jones	6 Princes Street Durham DH1 4RP	Connect waste-pipe from existing bathroom to waste drain at front of house - currently connected to same drain at rear of house
08/03504/GLAZBN Cara Thompson	122 Bek Road Newton Hall Durham DH1 5LG	Fit new PVC Windows to house
08/03505/OTHDBN Eleamor Wilkinson	3 Foxes Row Brancepeth Durham DH7 8DH	Internal work related to new doorway in gable end
08/03511/DEXBN Stuart & Caroline Allen	Norbury 41 The Avenue Coxhoe Durham DH6 4AG	Extension to Lounge-Hall
08/03513/OTHDBN Mr Jones	31 Alexandra Close Framwellgate Moor Durham DH1 5ED	Roof conversion (flat to pitched)

Number and Applicant	Location	Proposal
08/03514/OTHDBN Paul Whiteman	5 Cross View Terrace Durham DH1 4JY	Remove Chimney Breast
08/03529/ELECBN Jon Hollingsworth	50 Deans Walk Gilesgate Durham DH1 1HA	Electrical Rewire
08/03530/OTHDBN Joanne Burns	22 Railway Close Sherburn Durham DH6 1RN	Convert Integral garage into
08/03531/DEXBN Koon Tim Cheng	16 Station Road Ushaw Moor Durham DH7 7PY	Kitchen Extension
08/03533/ELECBN Peter Whitfield	80 Featherstone Road Newton Hall Durham DH1 5YP	Solar Panels
08/03535/OTHDBN J B Smith	75 Thorndale Road Belmont Durham DH1 2AQ	New Pitched Roof over Existing Garage and Lounge
08/03536/OTHDBN Mr Arnold Bosomworth	109 Devonshire Road Belmont Durham DH1 2BH	Replace Garage Roof with Pitched Roof
08/03537/GLAZBN Mr M J Kelly	Hebron Long Garth Durham City Durham DH1 4HJ	Installation of New Windows
08/03540/OTHDBN Henry Armstrong	37 Belle Vue Quarrington Hill Durham DH6 4QE	Removal of existing wall to form new opening to new shower
08/03541/OTHDBN Andrew Ward	1A May Street Durham City Durham DH1 4EN	Removal of load bearing wall
08/03548/OTHDBN Douglas Smith	17 Chillingham Road Newton Hall Durham DH1 5NA	Form pitched roof to porch and canopy over lounge window. New UPVC soffits
08/03560/OTHDBN Mr G Jones	46 Chalfont Way Meadowfield Durham DH7 8XA	Conversion of garage into room and build new porch

Number and Applicant	Location	Proposal
08/03561/OTHDBN Mr & Mrs Garnett	6 Burn Hall Durham DH1 3SR	Alterations to garage to provide a study and store
08/03564/OTHDBN A Dobbie	6 Frosterley Close Newton Hall Durham	Change flat roof to hip and infill overhang with small porch
08/03570/GLAZBN Mrs T M Anderson	66 Beechfield Rise Coxhoe Durham DH6 4SD	New UPVC windows to front of property
08/03572/DEXBN Mr Bell	2 Shropshire Drive Belmont Durham DH1 2LT	Side Extension
08/03573/DROBN Judy Alder	11 Red Ridges Brandon Durham DH7 8QP	Loft Conversion

## List of Refusals

From 23/07/2008 to 04/09/2008

Number and Applicant	Location	Proposal	Decision
08/02551/DEX Frank Knowles	Brooklyn Broomside Lane Carrville Durham DH1 2QW	Alterations to existing bungalow to form two storey extension	REJ16





## List of Regularisations

From 23/07/2008 to 04/09/2008

Number and Applicant	Location	Proposal
08/03346/OTHCRG Stephen Hall	Meadowfield Industrial Estate 11A Oakway Court Meadowfield Durham DH7 8XD	Single Storey Ground Floor Office Partition (including heat, lighting, electricity and windows to warehouse)
08/03361/DEXRG Mr M G J Whaley	4 South Crescent Durham City DH1 4NF	Ground Floor Bedroom and wet room
08/03363/OTHCRG The Co Operative Group	The Co Operative Group Carr House Drive Newton Hall Durham DH1 5LT	Various Internal Alterations
08/03385/DEXRG Jamie Bell	24 Hadleigh Court Coxhoe Durham DH6 4SJ	Garage built onto side of house
08/03545/GLAZRG R W Burnett	1 Borrowdale Drive Carrville Durham DH1 1AG	Replace window with bi-fold doors
08/03546/GLAZRG Geoff Mitchinson	2 North Crescent Durham City Durham DH1 4NE	Replacement windows downstairs & additional velux window in bathroom
08/03551/GLAZRG Mrs Denise Patchcott	18 Front Street Sherburn Hill Durham DH6 1PA	Replacement Windows
08/03571/DEXRG Robert Walker & Ruth Hearnden	New Ivesley Farm Ivesley Lane Waterhouses Durham DH7 9HD	Downstairs Bedroom/Shower & Revamped Kitchen/Dining Room

